

# **Election Reform Study Committee**

## ***Final Report***

1991

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**ELECTION REFORM STUDY COMMITTEE**  
**FINAL REPORT**

ELECTION REFORM STUDY COMMITTEE

FINAL REPORT

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# ELECTION REFORM STUDY COMMITTEE

## FINAL REPORT

### INTRODUCTION

#### PURPOSE

The Election Reform Study Committee was established by Laws 1991, Chapter 241. The purpose of the study committee, as stated in the promulgating legislation, is to develop specific recommendations for both statutory and constitutional changes needed to enact positive ethics and election reforms including at least the following areas:

1. Campaign finance
2. Lobbyist registration and financial disclosure
3. Laws governing elected officials
4. Laws regarding the initiative and referendum process
5. Voter registration laws
6. Absentee voting process
7. Campaign ethics
8. Enforcement of election laws

#### MEMBERSHIP

The following members were appointed by the Governor:

1. Susan Bitter Smith
2. Mark Dioguardi
3. Eugene Hughes
4. Henry Kenski
5. Billy Shields

The following members were appointed by the President of the Senate:

1. Senator Alan Stephens, cochair
2. Senator Manuel "Lito" Pena
3. Senator Lester Pearce
4. Senator Ann Day
5. Bruce Burke
6. Tim Delaney

The following members were appointed by the Speaker of the House of Representatives:

1. Representative Patti Noland, cochair
2. Representative Bev Hermon
3. Representative Peter Goudinoff
4. Representative Benjamin Hanley
5. Steve Betts
6. Robert Matthews

## MEETINGS

The Election Reform Study Committee met on July 11, July 18, August 1, September 5 and September 12, 1991. Minutes of each meeting are included in Appendix A the final report.

## SUBCOMMITTEES

The Election Reform Study Committee organized into the following subcommittees:

1. Lobbyist Registration and Financial Disclosure
2. Election Laws, Personal Disclosure Requirements and Enforcement
3. Campaign Ethics
4. Laws Regarding the Initiative and Referendum Process
5. Campaign Finance and Disclosure

The body of this report has been divided into five sections which parallel the topics considered by the five subcommittees. Each section contains the recommendations of the Election Reform Study Committee relating to the specified topic.

## ATTACHMENTS

### Appendix A

Minutes from the meetings of the Election Reform Study Committee

### Appendix B

Draft legislation for Lobbyist Registration and Financial Disclosure

### Appendix C

Draft legislation for Election Laws, Personal Disclosure Requirements and Enforcement

### Appendix D

Draft legislation for Campaign Ethics

### Appendix E

Draft legislation for Initiative and Referendum

### Appendix F

Draft legislation for Campaign Finance

ELECTION REFORM STUDY COMMITTEE  
RECOMMENDATIONS ON  
LOBBYIST REGISTRATION AND FINANCIAL DISCLOSURE

**PURPOSE**

The Election Reform Study Committee was directed to develop specific recommendations for statutory and constitutional changes regarding laws governing the initiative and referendum process. To ensure that this area was thoroughly reviewed, the Study Committee created the Subcommittee on Lobbyist Registration and Financial Disclosure. The subcommittee was requested to examine the following general subject matters along with other issues the subcommittee deemed appropriate:

1. Registration of lobbyists
2. Gift and expenditure limitations for lobbyists
3. Reporting requirements for lobbyists
4. Campaign contribution limitations and prohibitions for lobbyists
5. Penalties for non-compliance

**MEMBERSHIP**

The following persons were appointed as subcommittee members at the second meeting of the Election Reform Study Committee:

1. Senator Manuel "Lito" Pena, chair
2. Representative Noland
3. Susan Bitter Smith
4. Tim Delaney
5. Billy Shields

**MEETINGS**

The subcommittee on Lobbyist Registration and Financial Disclosure held a total of seven meetings: July 18, July 24, August 1, August 8, August 22, August 26 and September 10, 1991.

**ISSUES AND RECOMMENDATIONS**

The subcommittee members decided to use S.B. 1216 (from the 1991 legislative session) as a focusing point for their work. After several revisions the subcommittee recommended, and the full committee adopted, the following provisions. A copy of the proposed legislation can be found in Appendix B.

## I. Registration of Principals and Public Bodies

The study committee recommends that persons in both the private sector (principals) and public sector (public bodies) who have another person represent them for the purpose of influencing the passage or defeat of legislation register with the Secretary of State, and that principals who have others represent them in an attempt to influence the official action of any state officer or employee register.

Currently, representatives of state and local entities lobby the Legislature as thoroughly as private interests but they do not register or report their lobbying expenses. The subcommittee felt that by requiring public bodies to register and designate an authorized lobbyist, it would become easier to track the activities and expenditures of public sector lobbyists.

Information required for registration: The study committee recommends that each principal at the time of registration list their name; business address; nature of the primary business, activity, issue, interest or purpose of the principal; name and business address of a person who is the authorized lobbyist for the principal; name and business address of any lobbyist engaged to lobby for compensation for the principal; a description of the expenses for which each lobbyist will be reimbursed by the principal; the state entities the lobbyist will lobby; and the duration of engagement of the lobbyist.

The study committee recommends that each public body at the time of registration list their name; business address; name and business address of a person who is the authorized lobbyist of the public body; name and business address of any lobbyist engaged by the public body; and a description of the expenses for which each lobbyist will be reimbursed by the public body.

Authorized lobbyist: The study committee recommends that each principal and public body designate a person as their authorized lobbyist and list all other lobbyists the principal or public body employs for compensation.

The study committee felt that by requiring principals to designate an authorized lobbyist and to list all of their compensated lobbyists, it would reduce the amount of confusion that often exists as to who is and who is not a lobbyist and for whom they lobby. The authorized lobbyist will act as a contact person between the principal or public body and the public and should be able to identify all lobbyists who lobby on behalf of the principal or public body.

List of potential lobbyists: The study committee recommends that when a lobbyist listed on a registration statement is not a natural person, the registering entity shall file an identification list with the Secretary of State listing all employees or other persons who may lobby for the lobbyist.

The study committee felt that by listing a corporation or organization as a lobbyist, a principal could circumvent the designated authorized lobbyist clause and could participate in lobbying activities without ever formally identifying the person acting as the lobbyist on the corporation's behalf. The above provision was added to prevent abuses of the registration procedure and to further clarify which individuals have the authority to lobby for a corporation or organization.

Notice to lobbyists: The study committee recommends that a principal or public body provide a duplicate copy of the written registration or re-registration statement to each lobbyist who is named in the statement.

Many of the 2,500 registered lobbyists in Arizona do not know they are registered because the principal, in an attempt to prevent any possible violation of the lobbying statutes, registers many, if not all, of his employees in case they ever do perform a lobbying activity.

Extended registration period: The study committee recommends that the Secretary of State allow five business days for a lobbyist to register after the first lobbying attempt or occasion occurs, if the initial registration period is not practicable.

This provision was added for two reasons. First, Arizona has almost 2,500 registered lobbyists yet by comparison, California has only 890, Texas has only 800 and Colorado has only 500. Testimony before the subcommittee revealed that many principals routinely register all of their employees as lobbyists in the event they ever participate in a lobbying activity. Despite being registered, the majority of them never do engage in lobbying. This provision allows a principal or public body to register a person immediately after he lobbies, thus hopefully reducing the number of people who are registered unnecessarily.

Second, this provision was added as an emergency measure that could be used in the event that it was impossible to register a lobbyist prior to his first lobbying activity. For example, a principal learns on Friday evening that a bill directly affecting him will be heard at 8:00 a.m. Monday morning. On Saturday that principal engages a person as his lobbyist. There is no feasible manner in which the person could register between Saturday and 8:00 a.m. Monday when his issue is scheduled to be heard. The five-day grace period enables the person to lobby within the confines of the law.

Registration fee: The study committee recommends that each principal and public body pay a \$25 registration fee to the Secretary of State's Office during January of each even-numbered year at the time of registering and again at the time of re-registering. No principal or public body may be charged more than one \$25 fee per registration period.

Many states have filing fees. They range from \$10 in Utah to \$100 in Texas. The above fee will be used to help offset the cost of printing lobbyist registration forms and staffing of the registration process in the Secretary of State's Office.

## **II. Registration of Authorized Lobbyists, Lobbyists for Compensation and Public Lobbyists**

The study committee recommends that all authorized lobbyists, lobbyists for compensation and public lobbyists register with the Secretary of State's Office by completing a written statement containing the name and business address of the lobbyist; a description of the expenses for which the lobbyist is to be reimbursed by the principal; and a statement that the lobbyist or public lobbyist has read the required lobbyist handbook.

### **III. Registration Exemptions**

The study committee recommends that the following persons be exempted from the lobbyist and public lobbyist registration and reporting requirements when acting in the following capacity: any person while representing himself before a committee of the Legislature; any person who sends a letter, converses on the telephone or has a personal conversation with a state officer or employee on his own behalf; any elected public official or appointed member of a state, county or local board, commission or council acting in his official capacity; an expert or expert witness who answers technical questions; any person performing professional services in drafting bills, advising or rendering opinions as to the construction and effect of proposed or pending legislation; attorneys representing clients before a quasi-judicial body; any person contacting any state officer or employee for the purpose of acquiring information; and any person who contacts a public official in connection with the procurement of material, service or construction provided the contract is through a competitive bid process.

### **IV. Expenditure Reports by Principals and Public Bodies**

The study committee recommends that all principals, public bodies and lobbyists file an annual expenditure report that lists all expenses which benefitted or were received by a state officer or employee, and that they be required to file a quarterly report listing all expenditures of \$10 or more that benefitted or were received by an individual state officer or employee.

After a great deal of debate over the appropriate threshold, the subcommittee determined that an expenditure of more than \$10 should be reported separately by both lobbyists and principals.

The study committee recommends that the annual expenditure report categorize each single expenditure under one of the following headings: meals and beverages; entertainment; travel and lodging; a gift to a state officer or employee; or other expenditure.

A single expenditure is defined as any expenditure that provides a benefit of more than \$10 to any individual state officer or state employee and is incurred by or on behalf of one or more principals, public bodies, lobbyists or public lobbyists.

### **V. Expenditure Reports by Lobbyists and Public Lobbyists**

The study committee recommends that each lobbyist and public lobbyist report quarterly in an itemized written statement given to the Secretary of State, all single expenditures incurred during the preceding quarter. Each itemized expenditure must disclose the date of the expenditure, the amount of the expenditure, the name of the state officer or employee receiving the expenditure, the nature of the expenditure, and the principal or public body on whose behalf the expenditure was made. If the expenditure was not made on behalf of a principal, it shall be itemized separately on the expenditure report.

The study committee recommends that each lobbyist and public lobbyist report the aggregate amount of all expenditures of \$10 or less that were received by a state officer or employee. In addition, all lobbyists and public lobbyists shall in the fourth calendar quarter report a cumulative total of all expenditures for the calendar year regardless of whether they are made by the lobbyist or his employee.

The study committee recommends the expenditure forms attached to the draft lobbyist legislation (See Appendix B) be used by the Secretary of State to ensure accurate and complete reporting of expenditures by principals, public bodies, lobbyists and public lobbyists.

#### **VI. Expenditure Report Exemptions**

The study committee recommends that expenditures for family gifts, personal hospitality, preparation or distribution of information, campaign contributions, and professional or consulting services not on the behalf of a registered principal, public body, lobbyist or public lobbyist not rendered primarily for the pecuniary benefit of the state officer or employee need not be reported.

#### **VII. Gift Limitation**

The study committee recommends that the Legislature prohibit a principal or lobbyist from giving a state officer or employee (other than a family member) a gift(s) worth more than \$100 in one year and prohibit a state officer or employee from accepting such a gift(s) from any single principal or lobbyist unless the person is his employer or a family member.

The study committee recommends that a lobbyist who gives a gift or makes an expenditure of more than \$10 on behalf of a state officer or employee (or any member of their family) provide an itemized account of the expense to the state officer or employee.

The study committee recommends that the Legislature prohibit a person or organization from making an expenditure or giving a gift through another person or organization for the purpose of disguising the identity of the person making the gift or expenditure.

The study committee recommends defining the term "gift" to mean, with some exceptions, a payment, distribution, advance, deposit or donation of money or any kind of tangible, personal or real property.

#### **VIII. Former Legislators Prohibited from Lobbying**

The study committee recommends that the Legislature prohibit a former legislator from lobbying for compensation before the House or Senate for one year after he leaves office.

## **IX. Contributions Prohibited During Session**

The study committee recommends that the Legislature prohibit a principal or lobbyist from making a campaign contribution to, or soliciting a campaign contribution for, a member of the Legislature while the Legislature is in regular session, or the Governor when the Legislature is in session or when an executive veto or approval of legislation is pending.

## **X. Lobbyist Handbook**

The study committee recommends that the Secretary of State put together a lobbyist handbook containing statutes and rules governing principals, public bodies, lobbyists and public lobbyists, and descriptions and examples of the expenditure reports that they must file.

The study committee recommends that each authorized lobbyist, lobbyist who receives compensation and public lobbyist be required to register annually and at the time of registration sign a statement that they have read and understand the lobbyist handbook.

Many states currently require a lobbyist to participate in a registration course and/or require mandatory review of a handbook by a lobbyist before they are permitted to register. Arizona's handbook would be written and distributed by the Secretary of State's Office.

## **XI. Civil Penalties**

The study committee recommends that the Attorney General be empowered to impose a civil penalty of up to \$1,000 against persons who fail to comply with the reporting, registration and filing requirements imposed upon principals, public bodies, lobbyists and public lobbyists.

The subcommittee felt that administrative penalties that could be applied swiftly would encourage compliance with the reporting, registration and filing requirements. The process for filing criminal charges is cumbersome and is not an effective deterrent for minor violations since the high cost in time and money of prosecuting such violations usually prevents charges from being filed.

## **XII. Duties of the Secretary of State**

The study committee recommends that the Secretary of State compile and issue an annual report of all expenditures reported by principals, public bodies, lobbyists and public lobbyists.

The study committee recommends that the Secretary of State annually compile a list of principals, public bodies, lobbyists and public lobbyists who fail to submit an annual expenditure report.



**ELECTION REFORM STUDY COMMITTEE  
RECOMMENDATIONS ON ELECTION LAWS,  
PERSONAL DISCLOSURE REQUIREMENTS AND ENFORCEMENT**

**PURPOSE**

The Election Reform Study Committee was directed to develop specific recommendations for statutory and constitutional changes regarding laws governing elected officials, voter registration laws and enforcement of election laws. To ensure that these areas were thoroughly reviewed, the Study Committee created the Subcommittee on Election Laws, Personal Disclosure Requirements and Enforcement. The subcommittee was requested to examine the following general subject matters along with other issues the subcommittee deemed appropriate:

1. Financial disclosure and reporting requirements for elected officials
2. Enforcement of election, campaign, reporting and disclosure laws for elected officials
3. Length of terms and term limitations for elected officials
4. Salaries, staffing and benefits for elected officials

The subcommittee members reviewed an enormous volume of information. Based upon their research and testimony from persons directly affected by Arizona's election laws, the subcommittee made a number of recommendations which were subsequently adopted by the full committee.

**MEMBERSHIP**

The following persons were appointed as members of the Subcommittee on Election Laws, Personal Disclosure Requirements and Enforcement at the first meeting of the Election Reform Study Committee:

1. Representative Bev Hermon, chair
2. Representative Patti Noland
3. Senator Manuel "Lito" Pena
4. Senator Alan Stephens
5. Steve Betts
6. Bruce Burke
7. Mark Dioguardi
8. Robert Matthews

**MEETINGS**

The Subcommittee on Election Laws, Personal Disclosure Requirements and Enforcement met five times: July 19, July 25, July 31, August 28 and September 12, 1991.

## ISSUES AND RECOMMENDATIONS

The following issues were researched, discussed and recommended by the Subcommittee on Election Laws, Personal Disclosure Requirements and Enforcement, and then adopted by the full committee. In addition to a summary of each recommendation, draft legislation is attached in Appendix C of this report.

### **I. Arizona Election Commission**

The Election Reform Study Committee recommends that the Arizona Election Commission be created. As proposed, the Commission would be comprised of six commissioners: two appointed by the Governor, two appointed by the President of the Senate and two appointed by the Speaker of the House of Representatives. No more than one representative appointed by each appointee could represent the same political party. The Commission would be staffed by an executive director, an attorney from the Attorney General's Office and other support staff as needed. The Commission would be charged with administering and enforcing Arizona's campaign finance and disclosure laws, and providing training and advice to candidates and campaign committees regarding the campaign and election-related laws.

As proposed, the Commission would be authorized to 1) promulgate rules; 2) file statements of contributions and expenditures received from candidates and public officers; 3) issue advisory opinions interpreting campaign finance and disclosure laws; 4) hold hearings, issue subpoenas and compel testimony; 5) conduct investigations and audits; and 6) levy civil penalties of up to \$100 per day for late filers and up to \$1,000 for other violations. To carry out the aforementioned duties, the study committee recommends that the Commission or its members be empowered to administer oaths, examine witnesses and receive evidence, and to issue and enforce subpoenas.

In addition, the study committee recommends that the scope of the Election Commission be expanded to include the power to receive ethics complaints filed against a candidate for public office, a registered lobbyist or a public official of the executive branch of state or local government. (See section III, containing Ethics Subcommittee recommendations for additional information.)

The proposed Arizona Election Commission is modeled after existing commissions in other states. Currently, 32 states, including the District of Columbia, rely upon an independent commission or board rather than an elected official to oversee their state campaign finance and/or election laws.<sup>1</sup> All of the independent commissions and boards are created by statute. The commissions and boards are usually comprised of three to nine members, most of whom are appointed by the governor. Members' terms range from two to five years.

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<sup>1</sup> The following information regarding election commissions and boards was taken from COGEL Blue Book: Campaign Finance, Ethics & Lobby Law (8th ed. 1990) and the Federal Election Commission's Campaign Finance Law 90.

The vast majority of commissions and boards that oversee campaign finance and election laws employ less than 10 full-time employees and have annual budgets between \$100,000 and \$400,000. Hawaii's Campaign Spending Commission, for example, employs seven people and had a budget of \$163,000 for the 1988-89 fiscal year. During the same year, the Connecticut State Elections Enforcement Commission budgeted \$340,000 and employed 10 full-time people, while Minnesota's Ethical Practices Board employed seven full-time people and had an annual budget of \$234,000.

Nearly all of the commissions and boards compensate their members on a per diem basis. Daily rates vary from \$25 per day plus actual expenses in Wisconsin, to \$250 per day plus expenses in New Jersey. Most commissions and boards pay their appointed members \$50 per day plus expenses.

Thirty of the 32 states that have an independent commission or board to oversee election and campaign finance laws permit the commission or board to issue advisory opinions. All of the commissions and boards are empowered to conduct investigations in response to a formal complaint, and in some cases, on their own initiative. Most of the commissions and boards have the authority to subpoena witnesses and records, conduct hearings, and levy civil fines and penalties. Prosecution of criminal violations is generally left to the state attorney general or local district attorney.

## II. Enforcement of Election, Campaign, Reporting and Disclosure Laws

The Election Reform Study Committee recommends that, in addition to existing criminal penalties, civil penalties be established for persons who fail to comply with the reporting and disclosure requirements relating to public officials, elections and campaigning. The committee recommends a two-tiered system in which persons who intentionally violate or attempt to circumvent the reporting and disclosure requirements are subject to criminal sanctions, but persons who unintentionally fail to file or report or who submit incomplete disclosure forms are brought into compliance through the use of civil penalties.

Under the committee's recommendations, the Arizona Election Commission will oversee investigations of reporting and disclosure violations. If the Commission finds that a person has indeed violated the statutory requirements the Commission can assess an administrative penalty, the amount of which varies depending on the offense.

For example, under the proposed language, if the Commission determined that a person failed to properly report a campaign contribution, the Commission would notify the person that his report was insufficient and would allot the person 20 days to correct his mistake. If the person failed to correct the mistake within the specified timeframe, the Commission would assess a civil penalty of \$50 per day for each day of noncompliance up to a maximum of \$1,000. Refusal by the person to comply with the Commission's request is deemed to be a knowing violation of the law and under such circumstances the Commission could refer the case to the appropriate prosecutorial agency where criminal charges could be brought against the person.

Similarly, the recommendations of the committee permit the Arizona Election Commission to assess a civil penalty against public officers and candidates who fail to file a financial disclosure statement, persons who fail to make the proper disclosure on campaign literature and advertisements, and campaign committees that fail to file the proper expenditure reports.

In addition to the aforementioned areas, the committee recommended that civil penalties be incorporated into the remaining statutes pertaining to election and campaign finance laws when appropriate.

### III. Legislative Salaries

The Election Reform Study Committee recommends increasing the annual salary of legislators from \$15,000 to \$24,000. Increasing legislative salaries requires a constitutional change and must be approved by a majority of the qualified electors in the state.

The last time that Arizona legislators received a salary increase was January 1981, after voters approved an increase in legislative salaries from \$6,000 to \$15,000. Annual legislative salaries throughout the Nation range from a low of \$100 (New Hampshire) to a high of \$57,500 (New York).<sup>2</sup> Of the 39 states that pay legislators an annual salary, legislators in 24 states received a higher salary than in Arizona. Since 1981, all but five of these 39 states have increased their legislative salaries. The average increase in salaries has been 61%.<sup>3</sup>

### IV. Legislative Terms

The Election Reform Study Committee recommends that the length of legislative terms be increased. Lengthening legislative terms requires a constitutional change and must be approved by a majority of the qualified electors in the state.

As proposed, the length of a legislative term would increase from two years to four years. Such a change is consistent with other legislative bodies across the nation, including territories of the United States. Currently, members in 42 legislative bodies serve a four-year term, while members in only 14 legislative bodies serve a two-year term.<sup>4</sup>

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<sup>2</sup> Information on legislative salaries in other states was obtained from the National Conference of State Legislatures and was updated on August 15, 1991.

<sup>3</sup> Information obtained from National Conference of State Legislatures and staff analysis of data.

<sup>4</sup> Data obtained from the Council of State Governments. Current as of January 1989.

## V. Term Limitations

The Election Reform Study Committee recommends that members of the Legislature and statewide officeholders be limited as to the number of consecutive terms they can serve. Limiting terms requires a constitutional change and must be approved by a majority of the qualified electors in the state.

The study committee recommends limiting the number of years that an individual can serve in either house of the Legislature to 12 consecutive years with a maximum of 16 consecutive years in any combination of service in either chamber. In addition, the committee recommends limiting the number of years that can be served in any statewide executive office, and in the offices of corporation commissioner or mine inspector to 12 consecutive years. If adopted, years of service prior to January 1995 would not count toward the term limitations.

As of May 1991, voters in three states had adopted legislation limiting the number of terms that can be served by specified elected officials. In addition, term limitation legislation was introduced in 44 states during the 1990-91 legislative sessions.<sup>5</sup>

The contents of the term-limit proposals vary from state to state. Most proposals limit consecutive terms. Some limit the number of terms a person can serve per office; others limit the total number of years a person could serve regardless of which office or combination of offices the person has held. Most of the term-limit proposals exclude service prior to the effective date of the term-limit measure for the purposes of determining number of years served. A few states permit a person to serve one additional term after the effective date of the measure if they have already served the limit by the election in which the measure is passed. The proposal in one state would grandfather all sitting officeholders and apply the term-limit restrictions to officials who are elected after the effective date of the measure.

## VI. Per Diem

The Election Reform Study Committee recommends that per diem be increased on an annual basis based on the Metropolitan Phoenix Cost of Living Index. In addition, the committee recommends the existing reduction of per diem payments after the one hundred twentieth day of session be deleted, thus allowing legislators to receive full per diem payments while the Legislature is in session.

The subcommittee discussed the issue of per diem at length and concluded that although the intent of reducing the per diem payment was to encourage the end of session, the per diem reduction was not having the desired effect. If anything, reducing the per diem payment is particularly punitive to those legislators who live outside of Maricopa County. Those members cannot, on their own, bring about the end of session.

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<sup>5</sup> The following information regarding term limits was obtained from the National Conference of State Legislatures.

The subcommittee recommends that committee chairpersons receive per diem during the interim if they are at the Legislature for official business related to their chairperson duties.

#### **VII. Primary Election Date**

The Election Reform Study Committee recommends that the primary election be moved to the twentieth Tuesday rather than the eighth Tuesday before a general or special election. Under this provision, the primary election for the November general election would be held in June.

#### **VIII. New Party Representation on Ballot**

The Election Reform Study Committee recommends that the number of signatures necessary for a new party to gain access to the ballot and to remain on the ballot be reduced by one-third.

Under this provision, in a statewide election the number of signatures that must be collected to permit a new party to be placed on the ballot is reduced from approximately 21,000 to approximately 14,000.

#### **IX. Independent Candidates**

The Election Reform Study Committee recommends that persons seeking to qualify as independent candidates be given the same amount of time to collect nominating petition signatures as persons seeking to qualify as candidates representing recognized parties.

The committee recommends that, upon request, a designated representative of the independent parties be given a copy of the tear sheets. Currently, copies of the tear sheets are given to the designated representative of the Republican and Democrat parties.

#### **X. Campaign Contributions and Expenses**

The Election Reform Study Committee recommends that, except money loaned by a candidate to his campaign, personal loans to a candidate be included in the definition of "contribution."

The committee also recommends that money loaned to the candidate in the ordinary course of business by certain financial institutions be exempt from the definition of "contribution."

## **XI. Independent Campaign Expenditures**

The Election Reform Study Committee recommends that any individual or committee using an independent expenditure to purchase an advertisement or literature that expressly advocates the election or defeat of a candidate must provide a copy of the advertisement or literature to the Secretary of State within 24 hours of the time it airs or is distributed if the advertisement or literature airs or is distributed in the 20 days preceding the election.

The Election Reform Study Committee recommends that an individual or committee making independent expenditures that aggregate \$500 during the 20 days preceding an election to which the expenditure relates shall report the independent expenditure within 24 hours and shall, in addition to other information, identify the three largest contributors to the expenditure by their name, occupation and employer. If any of the three largest contributors is a committee, the committee must identify its officers by name, occupation and employer.

## **XII. Elections; Absentee Voting**

The Election Reform Study Committee recommends that Arizona's statutes relating to absentee voting by military and overseas persons be conformed to the Federal Uniformed Overseas Absentee Voting Act of 1986.

## **XIII. Elections; Designation of Polling Locations**

The Election Reform Study Committee recommends that the county board of supervisors make available to the public at least 80 days before the date of the election the list of polling locations for regularly scheduled primary and general elections as proposed to the Justice Department.

## **XIV. Elections; Inspectors and Judges**

The Election Reform Study Committee recommends that each county board of supervisors be given the authority to approve alternate methods of instruction and testing for election board members. The committee recommends that only election inspectors and judges be required to receive specific training rather than the entire membership of each election board.

## **XV. Elections; 150 and 50 Foot Limits**

The Election Reform Study Committee recommends that the existing electioneering limit (150 feet) and the poll limit (50 feet) be changed so that both are 75 feet. The committee also recommended language to clarify from where the 75 feet should be measured to ensure the poll limits are consistently marked at all locations.

#### **XVI. Elections; Questioned Ballot**

The Election Reform Study Committee recommends that a notice explaining the questioned ballot process and an individual's right to vote a questioned ballot be posted at all polling locations, and that the voter instruction card used at each polling location contain a detailed explanation of the questioned ballot voting process for all poll workers.

#### **XVII. Elections; Voter Qualifications; Nominating Procedures**

The Election Reform Study Committee recommends a number of conforming and clarifying changes to the statutes dealing with voter registration, nominating petitions and requests for absentee ballots.



## **ELECTION REFORM STUDY COMMITTEE RECOMMENDATIONS ON CAMPAIGN ETHICS**

### **PURPOSE**

The Election Reform Study Committee was directed to develop specific recommendations for statutory and constitutional changes regarding laws governing campaign ethics. To ensure that this area was thoroughly reviewed, the Study Committee created the Subcommittee on Campaign Ethics. The subcommittee was requested to examine the following general subject matters along with other issues the subcommittee deemed appropriate:

1. Negative campaign practices
2. Opportunities for enforcement of good campaign practices, or self-enforcement
3. Education on campaign ethics laws

### **MEMBERSHIP**

The following persons were appointed as subcommittee members at the first meeting of the Election Reform Study Committee:

1. Senator Lester Pearce, co-chair
2. Representative Ben Hanley, co-chair
3. Senator Alan Stephens
4. Dr. Eugene Hughes
5. Susan Bitter Smith

### **MEETINGS**

Meetings were held on August 7, August 14, August 28, and September 3, 1991. Public testimony was received.

### **ISSUES AND RECOMMENDATIONS**

The subcommittee made the following recommendations which were subsequently adopted by the full committee. A copy of the proposed legislation is included in Appendix D.

#### **I. Legislative Ethics**

The Election Reform Study Committee recommends that, for the purpose of public education, the Senate and House of Representatives Rules should be published in the volumes containing the Arizona Revised Statutes, as the court rules are currently published.

## **II. Arizona Election Commission**

The Election Reform Study Committee recommends adding some "ethics board" functions to the Arizona Election Commission (the Commission was recommended by the Subcommittee on Election Laws, Personal Disclosure Requirements and Enforcement). The additional duties of the Commission would be as follows:

1. The Commission would hear complaints against candidates regarding campaign practices, including both campaign finance violations and the knowing use of false statements.
2. The Commission would hear ethics complaints lodged against public officials in the executive branch of government. (The legislative and judicial branches must remain separate per the state constitution.)
3. The Commission would hear complaints lodged against lobbyists.
4. The Commission would have the power to issue subpoenas, conduct hearings and assess civil penalties up to \$1,000, as well as the power to forward complaints to an appropriate law enforcement agency.

## **III. Ethics handbook**

The Election Reform Study Committee recommends the printing of ethics-related handbooks for all public officials, whether elected or appointed, at every level of government including the state, cities, counties and school boards.

The following issues were not recommended by the Subcommittee on Campaign Ethics but were adopted by the full committee during its final meeting:

### **I. Ethics Board**

The Election Reform Study Committee recommends the creation of a separate Ethics Board to perform training and advisory functions for all levels of government.

### **II. Conflict of Interest Statutes**

The Election Reform Study Committee recommends inclusion of state legislators under the conflict of interest statutes in Title 38. Currently, legislators are specifically exempted from these statutes.

**ELECTION REFORM STUDY COMMITTEE  
RECOMMENDATIONS ON  
LAWS REGARDING INITIATIVE AND REFERENDUM**

**PURPOSE**

The Election Reform Study Committee was directed to develop specific recommendations for statutory and constitutional changes regarding laws governing the initiative and referendum process. To ensure that this area was thoroughly reviewed, the Study Committee created the Subcommittee on Laws Regarding the Initiative and Referendum Process. The subcommittee was requested to examine the following general subject matters along with other issues the subcommittee deemed appropriate:

1. Signature requirements for initiative, referendum and recall petitions
2. Signature verification process
3. Financial disclosure laws regarding paid advertisements relating to initiative and referendum issues
4. Review of propositions by the Attorney General
5. Process for developing the Legislative Council publicity pamphlet arguments

**MEMBERSHIP**

The following persons were appointed as subcommittee members at the second meeting of the Election Reform Study Committee:

1. Senator Ann Day, chair
2. Representative Ben Hanley
3. Steve Betts
4. Tim Delaney

**MEETINGS**

The Subcommittee on Laws Regarding the Initiative and Referendum Process held a total of six meetings: July 18, July 30 (Tucson), August 1, August 7, September 5, and September 11, 1991.

**ISSUES AND RECOMMENDATIONS**

The following issues relating to the initiative and referendum laws were adopted by the Election Reform Study Committee. A copy of the proposed legislation is included in Appendix E.

## **I. Clarify Inconsistent Signature Verification Process**

The subcommittee heard testimony stating that the current verification process is unclear and that it has resulted in inconsistencies among counties and in much litigation. The Secretary of State and county recorders want more explicit statutory direction to which they can refer when they are in the process of verifying signatures.

The Election Reform Study Committee adopted the technical amendments set forth by the Attorney General's Office with the additional substantive provision of granting the Secretary of State the duty to promulgate rules in this area. No new categories of which signatures or sheets are to be removed are added; the Attorney General's proposal merely clarifies the signature verification process by conforming A.R.S. Sections 19-121.01 and 19-121.02 to current practice, case law and Attorney General opinions.

Specifically, the proposed legislation clearly identifies the practice that should be followed by both the Secretary of State and the county recorder with respect to signature verification. It provides which sheets and signatures should be removed as a result of a defect, when they should be removed and by whom. It also clarifies the procedure for computing the number of valid signatures.

## **II. Clarify Campaign Committee Status**

The subcommittee heard testimony that individuals or organizations often do not realize that they must file a statement of organization prior to collecting any signatures.

The Election Reform Study Committee adopted the proposal to clarify that a campaign committee must file its statement of organization required by A.R.S. Section 16-902.01 before signatures are considered valid. Signatures collected prior to this time will not be considered in determining the legal sufficiency of the petition.

## **III. Require Disclosure on Advertisements of Major Contributors**

The subcommittee heard testimony stating that frequently, the public does not know who is actually behind a committee supporting or opposing an initiative or referendum. Individuals testified that sponsors often hide behind misleading names and never divulge to the public who is financially supporting the measure. A majority of the subcommittee voted to recommend the Attorney General's proposal requiring disclosure of the major contributors on advertisements.

The Election Reform Study Committee adopted the Attorney General's recommendation that the identity of major funding sources be disclosed on any literature or advertisement supporting or opposing a ballot proposition or the circulation of initiative or referendum petitions.

#### IV. Increased Financial Disclosure

The subcommittee heard testimony stating that often, the financial information required under current law is too little and too late. For instance, according to the testimony, if a major funding source waits until right before the election to contribute to a campaign, that source's contribution is not disclosed until long after the election is held. In addition, there may be no disclosure during the petition circulation period.

The Election Reform Study Committee adopted the language requiring a committee to give notice to the Secretary of State of any contribution or group of contributions from a single source exceeding \$25,000 for a statewide proposition received less than 20 days but more than 24 hours before the day of the election. The notice shall be filed within 24 hours after the contribution is received. With respect to county and city measures, the threshold amount will be \$2,500 for political subdivisions over 100,000 population and \$500 for political subdivisions of less than 100,000 population.

#### V. Description of the Measure

The subcommittee heard testimony stating that electors often do not have the time or the inclination to read through the entire text of a measure before signing a petition and as a result will rely solely on what the petition circulator tells them.

The Election Reform Study Committee adopted the recommendation that the sponsor of the initiative/referendum be required to prepare a description of not more than 100 words to be printed on the petition.

#### VI. Notice of Paid Petition Circulator

The subcommittee heard testimony stating that the use of paid petition circulators may lead to misrepresentations and overreaching on behalf of the circulator.

The Election Reform Study Committee adopted the recommendation that notice be given to the signers that the title and text must be attached and may be read in its entirety before signing. The committee also adopted the recommendation that the petition must include the following sentence to alert signers that the petition is being circulated by a paid petition circulator: "THIS PETITION SHEET IS BEING CIRCULATED BY A PAID PETITION CIRCULATOR." Finally, the committee adopted the recommendation that a list of the paid petition circulators used by a committee should be filed with the Secretary of State.

#### VII. Disclosure of Original and Proposed Text on the Petition

The subcommittee heard testimony stating that voters are often not aware of what the current status of the law is that would be amended or replaced by an initiative.

The Election Reform Study Committee recommends that both the original and proposed text be attached to the initiative petition sheets.

#### **VIII. Alternative Method of Publicity Pamphlet Distribution**

The subcommittee heard testimony stating that the current method of distributing publicity pamphlets at the primary election polling places is ineffective.

The Election Reform Study Committee adopted the recommendation that the publicity pamphlets for statewide ballot propositions be mailed to all registered households. The Secretary of State would be required to print a number equal to 75% percent of the number of registered voters in the state.

#### **IX. Publicity Pamphlet Arguments**

The subcommittee heard testimony stating that there is a concern that the Legislative Council pro and con arguments may not always be unbiased. In other words, the pro argument may be much stronger than the con argument. In addition, the subcommittee heard testimony stating that most initiatives and referendums are fully stocked with pro and con arguments from third parties.

The Election Reform Study Committee recommended relieving Legislative Council of their statutory duty to prepare pro and con arguments. However, the Legislative Council would be required to prepare a more thorough analysis of the measures.

In addition, the study committee adopted language clarifying that the "sponsor" of an argument is the entity or person who paid for submission of the argument.

#### **X. Cities & Towns: Inconsistent Signature Basis**

The subcommittee heard testimony stating that cities and towns do not uniformly apply a basis for determining the number of signatures required on an initiative or referendum. Some cities base the number on the number of those who voted in the last mayoral election and others on the total number of registered voters.

The Election Reform Study Committee recommended retaining the current system which allows cities and towns to decide for themselves, given their own particular circumstances, whether to base the number of signatures required for an initiative or referendum on the number of those who voted in the last mayoral election or on the total number of qualified voters. In the event that no provision is made in the city charter, the number of signatures required will be based on the number of those who voted in the last mayoral election.

## XI. County Legislation

There was some concern voiced by the counties that the statutes did not provide them with enough direction in the area of initiatives and referendums. At times, it is unclear who should be performing what duty at the county level.

The Election Reform Study Committee adopted adding "counties" to A.R.S. Section 19-141. As amended, the statute would specifically delineate which officers at the city and county level should perform the functions performed by the Governor, Attorney General, Secretary of State and county recorders at the state level with respect to statewide initiatives and referendums.

## XII. Recall Elections

The subcommittee received no testimony proposing substantive changes to the recall statutes. However, the Secretary of State, Attorney General's Office and a county recorder testified that there were ambiguities in the statutes which could be clarified with technical corrections.

The Election Reform Study Committee adopted the technical clarifications and conformities proposed by the Attorney General's Office.

## XIII. Technical Clarifications

Based on the testimony of the Secretary of State, Attorney General's Office and a county recorder the Election Reform Study Committee adopted the technical clarifications to Title 19 proposed by the Attorney General's Office.

## ELECTION REFORM STUDY COMMITTEE RECOMMENDATIONS ON CAMPAIGN FINANCE

### PURPOSE

The Election Reform Study Committee was directed to develop specific recommendations for statutory and constitutional changes regarding campaign finance laws. To ensure that this area was thoroughly reviewed, the Study Committee created the Subcommittee on Campaign Finance. The subcommittee was requested to examine the following general subject matters along with other issues the subcommittee deemed appropriate:

1. Fund raising activities during the legislative session
2. Disclosure of funding and reporting requirements for independent campaign committees
3. Public financing of campaigns
4. Proposition 200 limits and technical corrections

### MEMBERSHIP

The following persons were appointed as subcommittee members at the first meeting of the Election Reform Study Committee:

1. Representative Peter Goudinoff, chair
2. Representative Bev Hermon
3. Bruce Burke
4. Mark Dioguardi
5. Henry Kenski
6. Robert Matthews
7. Billy Shields

### MEETINGS

The Subcommittee on Campaign Finance met on July 11 and August 1, 1991. A joint subcommittee meeting of the Elections Laws, Personal Disclosure Requirements and Enforcement Subcommittee and the Campaign Finance Subcommittee was held on September 5, 1991.

### ISSUES AND RECOMMENDATIONS

Below are the recommendations relating to campaign finance that were adopted by the Election Reform Study Committee. A copy of the proposed legislation is included in Appendix F.



## I. Independent Campaign Committees

The Election Reform Study Committee recommends that independent campaign committees be subject to further disclosure and reporting. Specific language is included in Appendix B of this report.

## II. Proposition 200 Technical Corrections

The Election Reform Study Committee recommends the technical corrections to the campaign finance statutes contained in Appendix B of this report. The draft contains the following provisions:

- Eliminates the confusion resulting from the current use of the term "campaign committee" by replacing it with the more descriptive term "political committee" to cover all organizations who must register and report. Candidate campaign committees are under the umbrella of political committees. The current use of the term "campaign committee" has caused confusion among noncandidate committees concerning their need to comply because they believe the term applies only to candidate committees.
- Provides new definitions for the following terms:
  - Agent
  - Anonymous contribution
  - Candidate
  - Candidate's campaign committee
  - Clearly identified candidate
  - Contribution
  - Earmarked
  - Election
  - Expenditure
  - Identification
  - Independent expenditure
  - In-kind contribution
  - Itemized
  - Personal funds
  - Political committee
  - Political party
  - Sponsoring organization
  - Statewide office
  - Surplus funds
- Changes the name of the initial registration statement for political committees to "Statement of Organization" to conform to existing practice and common understanding and usage.
- Requires political committees to register within 10 days of their designation or organization. This is more realistic than the current requirement that committees register before having any financial activity since there usually are some expenditures that must be made in connection with organizing a committee.

- Requires political committees to include in their registration the name of any sponsoring organization.
- Requires political committees to have at least one bank account and to disclose where their accounts are maintained.
- Requires certain out-of-state or federal political committees to file certain campaign finance reports from other jurisdictions when registering in Arizona.
- Allows a candidate to designate only one campaign committee for each election. All filing of finance reports will be done by the candidate's committee. The current system is confusing because reporting obligations exist for both the candidate and the committee. There would no longer be a question concerning whether the candidate is required to file a Contributions and Expenditures Statement or simply a Statement of Exemption.
- Prescribes that a candidate who receives contributions and makes disbursements is an agent of his campaign committee.
- Provides that the mere designation of a candidate's committee would not invoke Arizona's resign-to-run law.
- Provides more detailed duties for the treasurer of a political committee.
- Proscribes giving false information to the campaign treasurer regarding receipts and disbursements.
- Clarifies what occurs when a candidate contributes the threshold amount of personal funds.
- Provides that a committee's qualification and certification to make contributions at the higher committee limits is valid for two years.
- Clarifies that only unemancipated minors are not entitled to have their own contribution limits.
- Provides methods for designating how contributions are to be applied to various elections.
- Sets forth how an endorsement, guarantee or repayment of a loan is treated.
- Proscribes certain methods of making contributions, including earmarked contributions.
- Provides that contributions from partnership funds be made as individual contributions.
- Provides for regular reporting of independent expenditures by political committees and for reporting of independent expenditures within 24 hours

if the expenditure is made 20 days before the election.

- Provides for more than the reporting of only contributions and expenditures by requiring that all receipts and disbursements be included. The current statements of contributions and expenditures are replaced with campaign finance statements, which more accurately describe the content.
- Requires political committees to file periodic campaign finance reports, regardless of whether any receipts or disbursements occur, according to a new schedule:
  - In an election year, reports would be filed before each election, after any non-primary election and quarterly.
  - In a non-election year, a report for the period ending June 30 and a report for the period ending December 31 would be filed.
- Exempts judges who are candidates for retention from filing a campaign finance report if the judge has no campaign committee and does not receive contributions or make expenditures.
- Provides for the formal ending of a political committee by the filing of a termination statement, and prescribes the conditions that must be met for termination.
- Details more accurately the information to be required on each campaign finance report. This also reflects the intent to capture all receipts and disbursements and not just traditional contributions and expenditures.
- Amends the section pertaining to disposal of surplus campaign funds by eliminating duplications and unnecessary distinctions that currently exist while retaining the recently enacted prohibition against converting surplus funds to a candidate's personal use.
- Clarifies when a required report or statement is deemed to be filed.
- Requires that a political committee that makes independent expenditures aggregating \$500 made less than 20 days before an election must report the expenditure within 24 hours.
- Allows campaign committees to incorporate only for liability purposes without prohibiting them from influencing candidate elections.

#### Additional Items Discussed by the Election Reform Study Committee But Not Adopted:

##### I. Voluntary Expenditure Limitations

The Election Reform Study Committee considered the issue of voluntary campaign expenditure limitations. A motion to recommend the adoption of voluntary campaign expenditure limits was withdrawn.

## II. Public Financing

The Election Reform Study Committee discussed the issue of public financing and recommended that it not be pursued.

# **APPENDIX A**

## **MINUTES**

ARIZONA STATE LEGISLATURE

MINUTES OF  
ELECTION REFORM STUDY COMMITTEE

DATE: Thursday, July 11, 1991

ANALYSTS: Joni Hoffman, Senate  
Cindy Kappler, House

TIME: 1:30 p.m.

PLACE: Senate Hearing Room #1

Senate Members Present

Senator Day  
Senator Pearce  
Senator Stephens, Co-Chairman

House Members Present

Representative Hermon  
Representative Goudinoff  
Representative Noland, Co-Chairman

Other Members Present

Bruce A. Burke  
Tim Delaney  
Susan Bitter Smith  
Dr. Jeanette Baker (substituting for  
Dr. Eugene Hughes)  
Billy Shields

Steve Betts  
Mark Dioguardi  
Prof. Henry C. Kenski

Members Absent

Senator Peña (replacing Senator Alston)  
Representative Hanley  
Robert L. Matthews

Chairman Stephens called the meeting to order at 1:40 p.m., and the secretary noted those in attendance. See attached sheet for other attendees.

The members of the Study Committee introduced themselves, and Senator Stephens made an opening statement (filed with original minutes). He noted that the Committee has a statutory deadline of August 15, 1991 to submit a report to the President of the Senate and the Speaker of the House of Representatives.

Ms. Noland stated that the Legislature was criticized for not completing the election reform issue during the last regular session. However, she expressed the need to discuss the issue without other distractions. She explained that a number of subcommittees will be formed to address specific issues, and that public input will be an important part of the process of the Study Committee.

Mr. Goudinoff indicated the fundamental issue that needs to be addressed by the Committee is public financing of elections, and he suggested that a separate subcommittee study the issue.

July 11, 1991  
Page 2

MINUTES OF  
ELECTION REFORM STUDY COMMITTEE

Senator Stephens introduced the following staff who will be assisting the Committee: Joni Hoffman, Rich Bitner and Cindy Kappler

Analyst Joni Hoffman distributed a number of handouts (filed with original minutes), including booklets on Title 16 and Title 19, constitutional provisions pertaining to initiative and referendum, a pamphlet on campaign finance statutes, statutes pertaining to standards for financial disclosure for public officers and a report titled "Conduct Becoming a Legislator."

Ms. Hoffman highlighted the main points of the bills pertaining to election reform (filed with original minutes) that passed the recent session (S.B. 1158, S.B. 1320, S.B. 1390), as well as the bills that did not pass (S.B. 1216, S.B. 1285, S.B. 1290 and S.B. 1340).

Ms. Hoffman noted that S.B. 1158 established the Study Committee to develop specific recommendations for statutory and constitutional changes needed to enact positive ethics and election reforms.

Ms. Noland noted there were a number of similar bills introduced in the House and suggested these be presented at the next meeting.

Ms. Hermon asked if there were provisions in S.B. 1340 or any other bill that would repeal political action committees. Ms. Hoffman answered negatively. Ms. Hermon said she would like the Committee to consider that issue. Senator Stephens indicated that issue might be included in the subcommittee on campaign finance.

Mr. Goudinoff indicated he did not feel the area of lobbying is relevant to elections, but is rather a legislative process question.

Senator Stephens noted that S.B. 1158 charged the Committee with studying the issue of lobbyist registration and financial disclosures.

Senator Stephens also explained that the eight areas of study listed in the bill form the basis of subcommittees of the Election Reform Study Committee. However, he indicated the issues of voter registration laws and absentee voting process have been addressed in legislation passed in the last session and would not require further study by subcommittee. The other issues would probably be divided into at least five subcommittees. Senator Stephens asked the Committee members to fill out a subcommittee preference form.

Senator Stephens noted the following schedule for future meetings and deadlines:

Thursday, July 18, 1991 -- Full Committee meeting, at which time subcommittee assignments will be announced and subcommittee meetings will begin.

Thursday, August 1, 1991 -- Full Committee meeting to hear status of subcommittees.

MINUTES OF  
ELECTION REFORM STUDY COMMITTEE

July 11, 1991  
Page 3

Thursday, August 15, 1991 -- Deadline for subcommittees to submit reports for duplication and distribution. Preliminary report will be sent to the President of the Senate and the Speaker of the House.

Thursday, August 22, 1991 -- Full Committee meeting to discuss subcommittee reports.

Ms. Noland commented that three issues not specifically listed as areas of study, but that will be included in subcommittees, are independent expenditures, public financing, and constitutional issues of term limitations. Ms. Noland indicated a legislator will serve as chairman of each subcommittee.

Mr. Delaney asked if some subcommittee meetings should be held in other parts of the State. Senator Stephens said it would be beneficial if some subcommittees could meet in Tucson; however, that would depend on the nature of the membership.

Ms. Noland indicated future meetings will alternate between the House and the Senate, with the next meeting being held in the House.

The meeting adjourned at 2:17 p.m.

Respectfully submitted,



Janice C. Stell  
Committee Secretary



## Hearing Room No. \_\_\_\_\_

DATE 11-11-57

TIME \_\_\_\_\_

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City & Temple

## MINUTES OF THE ELECTION REFORM STUDY COMMITTEE

Thursday, July 18, 1991

### MEMBERS PRESENT

Professor Henry C. Kenski  
Mark Dioguardi  
Robert L. Matthews  
Steve Betts  
Billy Shields  
Susan Bitter Smith  
Representative Goudinoff  
Senator Ann Day  
Senator Manuel "Lito" Peña  
Senator Alan Stephens, Co-chair  
Representative Noland, Co-chair

### MEMBERS ABSENT

Dr. Eugene Hughes  
Tim Delaney  
Bruce A. Burke  
Representative Hanley  
Representative Hermon  
Senator Lester Pearce

Chairman Noland called the meeting to order at 1:47 p.m., and requested the secretary to note attendance.

She spoke of the Subcommittee Assignment list that was distributed to Committee members. (Filed with original minutes). Mrs. Noland then explained the meeting procedure for the subcommittees to meet following the full committee meeting.

Senator Stephens explained that if anyone was interested in addressing the Committee, they should fill out a "request to speak" form located at the entrance to the hearing rooms.

Cindy Kappler, House Judiciary Staff, explained to the non-legislative members of the committee the reimbursement of expenses while attending these meetings. She explained that the majority of reimbursements would be made for mileage and meals.

Ms. Kappler continued to address the committee regarding the House Bills introduced during the 1st Regular Session of the 40th Legislature. She distributed a short summary of those bills as well as a copy of each bill. (Summaries and bills filed with original minutes)

Senator Stephens spoke of a memo entitled "Election Reform Study Committee - Subcommittees" in which each subcommittee is broken down into goals that each subcommittee should discuss. He stated that if a subcommittee wanted to discuss additional items they were free to do so. (Memo filed with original minutes)

Mrs. Noland spoke of a letter that she and Senator Stephens had just received from the Governor. She read the letter to the full committee. (Letter filed with original minutes) Mrs. Noland also stated to the Committee and audience that she hoped that all interested groups would provide input. She urged everyone to input information as early as possible so that the Committee members have the time necessary to review the information.

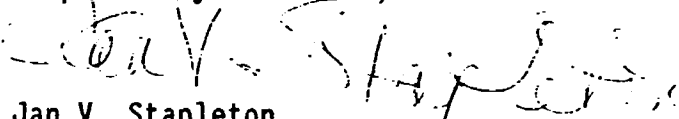
Minutes of the Election Reform Study Committee  
Page 2

Senator Stephens stated that the Secretary of State had given the Committee members a packet of information that includes items from Common Cause, the Attorney General's Office and other interested parties.

Mr. Ernest Hancock, representing non-partisan citizens, made a presentation to the full Committee. His comments are filed with the original minutes.

Chairman Noland adjourned the full Committee at 2:15 in order for the subcommittees to convene.

Respectfully submitted,

  
Jan V. Stapleton  
Committee Secretary

ARIZONA STATE SENATE

MINUTES OF  
ELECTION REFORM STUDY COMMITTEE

DATE: Thursday, August 1, 1991

ANALYSTS: Joni Hoffman  
Cindy Kappler

TIME: 1:30 p.m.

INTERN: Chris Gordon

PLACE: Senate Hearing Room #1

Senate Members Present

Senator Peña  
Senator Day  
Senator Pearce  
Senator Stephens, Co-Chairman

House Members Present

Representative Hermon  
Representative Goudinoff  
Representative Noland, Co-Chairman

Other Members Present

Bruce A. Burke  
Tim Delaney  
Susan Bitter Smith  
Dr. Jeanette Baker (substituting for  
Dr. Eugene Hughes)  
Billy Shields

Steve Betts  
Robert L. Matthews  
Mark Dioguardi  
Prof. Henry C. Kenski

Members Absent

Representative Hanley

Chairman Stephens called the meeting to order at 1:45 p.m., and the secretary noted those in attendance. See attached sheet for other attendees.

**APPROVAL OF MINUTES**

Ms. Hermon moved the minutes of the meetings of July 11 and July 18 be approved as printed. The motion carried by voice vote.

Senator Stephens announced the final meeting of the Committee will be Thursday, September 5, 1991, at 10 a.m. He indicated that each subcommittee should submit a written preliminary report by August 14, 1991.

**PROGRESS REPORTS FROM SUBCOMMITTEES**

Election Laws

Ms. Hermon stated the subcommittee discussed financial disclosure and suggested only minor modifications. She noted that the emphasis of the subcommittee would probably rest with compliance and not enforcement of election, campaign,

August 1, 1991  
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ELECTION REFORM STUDY COMMITTEE

reporting and disclosure laws. Ms. Hermon pointed out the need for mandatory training to ensure that candidates follow the statutes. The question arose in the subcommittee about including school district members in financial disclosure requirements.

The subcommittee discussed a number of minor modifications to the election laws, including the placement of campaign signs, 50-foot limits, retirement of debt, and polling places.

Ms. Hermon noted the consensus of the subcommittee included 12-year term limitations, four-year terms and \$22,000 for legislative salary.

The subcommittee noted the need for informal opinions regarding campaigns. Ms. Hermon pointed out that Ms. Noland is proposing the Arizona Election Commission, which would promulgate rules for operation of the Commission, issue advisory opinions, hold hearings, issue subpoenas, conduct investigations and level civil penalties.

The subcommittee also discussed staffing and benefits for elected officials. There was a reluctance on the part of the nonlegislative members of the subcommittee to become involved with in-house measures. The subcommittee will meet again next week.

Campaign Ethics

Senator Pearce indicated that neither of the meetings held by the subcommittee had a majority of members present. He noted a meeting is scheduled for Wednesday, August 7, 1991, at 10 a.m.

Initiative and Referendum

Senator Day reported that the subcommittee has met three times; however, a consensus has not been reached. The subcommittee discussed various issues pertaining to petitioners and disclosure of information.

The subcommittee discussed the validation of signatures and the need for standardization through the different jurisdictions.

There was discussion in the subcommittee as to whether the Attorney General's Office or Legislative Council should review an initiative before it is filed. Senator Day noted that neither office prefers to do that. In addition, Legislative Council does not want to continue with the publicity pamphlet arguments.

The subcommittee discussed the feasibility of raising the number of percentage of signatures for a referendum.

Senator Day noted that testimony from county recorders and election directors indicates a number of technical changes are needed.

Senator Day said the subcommittee will meet again on Wednesday, August 7, at 10 a.m.

Senator Stephens asked if the subcommittee discussed specifically the manner in which citizens can receive equal access to the process involving the pro and con arguments in the publicity pamphlet. Senator Day noted the subcommittee will discuss the issue.

Ms. Noland suggested the subcommittee also discuss the issue of checking the analysis by Legislative Council for accuracy and objectivity.

#### Lobbyist Registration

Senator Peña noted that the subcommittee has met twice. The subcommittee agreed to use the House engrossed version of S.B. 1216 and to incorporate the technical changes in the conference committee report. The following items have been added to the bill:

- \* Permit a grace period of five business days for registering as a lobbyist and require a principal or lobbyist to send copies of the registration form to all parties listed as either lobbyists or principals.
- \* Require a \$25 fee for lobbyists.
- \* Require lobbyists to attend an ethics course or to read an ethics handbook before registering.
- \* Prohibit staff from lobbying one year after leaving employment with the legislature.
- \* Clarify the definition of a "gift." Require a person to report travel and lodging in conjunction with an invitation to speak.
- \* Define the term "lobbyist" and "public lobbyist." Those persons who are employed by a principal are excluded from the lobbyist reporting requirements.
- \* Enhance the reporting requirements for lobbyists and principals.

#### Campaign Finance

Mr. Goudinoff reported that the subcommittee discussed and rejected suggested reforms such as public financing and voluntary spending limitations. The subcommittee agreed that the issue of independent campaigns needs to be further addressed.

The subcommittee agreed technical changes are needed to Proposition 200. Mr. Goudinoff explained the Attorney General and Secretary of State are currently working on technical changes. As soon as their report is completed, the

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subcommittee will review it and make recommendations to the full Committee.

**PUBLIC TESTIMONY**

LaDonna Fields, Executive Director, Valley Citizens League, presented an overview of the League and its activities (filed with original minutes).

Robert Ritter, Chairman, Government Issue Committee, Valley Citizens League, presented a report recommending the establishment of a mandatory ethics training program for all elected and appointed public officials, members of boards and commissions, government employees and lobbyists (filed with original minutes).

Dr. Baker presented an interim report of the Arizona Leadership Advisory Council (filed with original minutes).

The meeting adjourned at 2:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Janice C. Stell".

Janice C. Stell  
Committee Secretary

MEETING OF COMMITTEE ON

ELECTION REFORM

Hearing Room No. 1

DATE 8-1-77

TIME 1:30 P.M.

NAME  
Please Print

REPRESENTING

BILL NO.

L. R. K. F. K. L. S.

Bob Ritter

JENNIE P. COX

Valley Citizens League

AFL-CIO

L. R. K. F. K. L. S.

11222 Russell

Clarence Allen

League of AZ. Cities + Towns

11222 Russell



## ARIZONA STATE LEGISLATURE

### MINUTES OF ELECTION REFORM STUDY COMMITTEE

DATE: Thursday, September 5, 1991

ANALYSTS: Joni Hoffman  
Cindy Kappler

TIME: 1:00 p.m.

INTERN: Chris Gordon

PLACE: House Hearing Room 3

#### Senate Members Present

Senator Manuel "Lito" Peña  
Senator Ann Day  
Senator Alan Stephens, Co-Chair

#### House Members Present

Representative Peter Goudinoff  
Representative Patti Noland, Co-Chair

#### Other Members Present

Bruce A. Burke  
Tim Delaney  
Susan Bitter Smith  
Billy Shields

Steve Betts  
Robert L. Matthews  
Mark Dioguardi  
Professor Henry C. Kenski

#### Members Absent

Senator Lester Pearce  
Representative Bev Hermon  
Representative Ben Hanley  
Dr. Eugene Hughes

Chairman Noland called the meeting to order at 1:35 p.m., and the secretary noted those in attendance. See attached sheet for other attendees.

### SUBCOMMITTEE REPORTS

#### Campaign Finance

Mr. Goudinoff explained that the Subcommittee set aside those issues on which there were differences and focused on those issues on which there was a consensus. The Subcommittee worked from a draft provided by the Attorney General's Office and deleted the following provisions:

- \* exploratory committees
- \* separating primary from general elections
- \* raising, lowering or splitting contribution limits
- \* family definitions involving loans

Minor changes to the Attorney General's proposal include:

- \* deleting the requirement of two signatures on checks

- \* raising the limit of petty cash disbursements to \$50

Mr. Goudinoff indicated the Subcommittee has reached a significant consensus, but the information still needs to be typed.

Ms. Noland suggested the recommendations be prepared in bill form and available as soon as possible to the public and the Committee.

#### Campaign Ethics

Ms. Noland stated Senator Pearce would report next week.

Senator Stephens noted that the Subcommittee is finalizing drafts on the Handbook of Ethics and the Election Commission.

#### Initiative and Referendum Process

Senator Day submitted a draft report (filed with original minutes) and indicated the Subcommittee attempted to alleviate inconsistencies that exist from one community to another.

#### Lobbyist Reform

Senator Peña submitted a draft legislative proposal approved by the Subcommittee (filed with original minutes), and Analyst Cindy Kappler explained the technical changes. Senator Peña noted that the Subcommittee would meet again Tuesday, September 10, 1991, at 1 p.m.

Senator Stephens asked if the Subcommittee discussed applying these recommendations to the other political subdivisions of the State, such as city councils. Senator Peña said the Subcommittee did not discuss that. Senator Stephens asked staff to prepare language to submit to the Subcommittee.

#### Election Laws

In Ms. Hermon's absence, Ms. Noland explained that the Election Laws Subcommittee had four proposals to submit to the Committee for a vote:

- \* H.B. 2 - elections; 75 foot limit notices
- \* H.B. 3 - elections; polling place disclosure
- \* H.B. 4 - elections; questioned ballots
- \* H.B. 10 - elections inspectors and judges

The following proposals will be submitted for a vote next week:

- \* H.B. 6 - legislators; per diem; subsistence
- \* H.B. 7 - Arizona Election Commission
- \* H.B. 8 - absentee voting
- \* H.B. 9 - election laws and penalties
- \* S.B. 1 - primary elections; date

MINUTES OF  
ELECTION REFORM STUDY COMMITTEE

September 5, 1991  
Page 3

- \* S.B. 2 - campaign contributions and expenses
- \* S.B. 3 - independent candidates

Ms. Noland said three bills will be presented next week pertaining to expanding terms, term limitation and salaries.

Senator Stephens indicated a proposal to allow independents to vote in primaries will also be presented next week.

While waiting for information pertinent to a vote on the first four bills, Ms. Noland asked that public testimony be heard.

**PUBLIC TESTIMONY**

Gil Shaw, Chairman, Arizonans for Safety and Humanity on Public Lands, suggested the need for caution when dealing with the constitutional right of referendum and initiative. He indicated support for full financial disclosure, clarification of the signature verification process and restricting the use of paid petitioners.

Mr. Shaw said he had reservations about being subject to a waiting period while the 50 signatures required at the time of application are verified and the fact that the Attorney General would be able to pass judgment on the proposed text of the initiative at a public hearing.

Regarding the proposal that the sponsor of a measure be required to prepare a "fair and accurate summary," Mr. Shaw said the summary would be wide open to interpretation.

Mr. Shaw said it is critical to maintain the right of referendum on zoning issues for municipalities and suggested there be no restriction placed on that.

Ms. Noland read a statement from Richard Adams suggesting that the Secretary of State be required to publish in the prominent newspapers that referendum and initiative petitions are to be circulated and who to contact.

**OVERVIEW OF BILLS PRESENTED BY ELECTION LAWS SUBCOMMITTEE**

Ms. Noland stated that a vote on the bills submitted by the Election Laws Subcommittee would be taken next week. Staff presented an overview of each bill:

Analyst Cindy Kappler explained the following bills:

H.B. 2 - elections; 75-foot limit notices -- This bill proposes a 75-foot limit notice from the door nearest the signature roster of the polling place and eliminates the current limits of 50 feet and 150 feet.

Mr. Goudinoff asked if the proposal refers to a classroom door or an exterior door. He pointed out that in some buildings, such as churches or schools, 75 feet from the door nearest the signature roster could be inside the building.

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Mr. Shields explained there was confusion with two limits and that the 75-foot limit was only a compromise number to provide clarification for voters, electioneers and election officials.

Ms. Noland commented that Mr. Goudinoff's concern was valid and suggested staff look at that and ask the advice of election officials.

H.B. 3 - elections; polling place -- This bill provides that a list of proposed polling places within each precinct where an election is to be held be made available to the public at least 80 days before a general and a primary election.

Ms. Smith expressed concern that providing a potential list of polling places could create more confusion if the list is changed. She asked if the board could be required to make the final selection 80 days before the election.

Ms. Kappler explained that Jim Shumway testified to the Subcommittee that activities at certain facilities during an election could prevent the use of the facilities as polling sites.

H.B. 4 - elections; questioned -- This bill provides a notice to be posted in each precinct informing voters of their right to vote a questioned ballot.

H.B. 10 - elections inspectors and judges -- This bill is a cost effective measure requiring only the elections inspector and judge of the election board of each polling place to receive training.

H.B. 6 - legislators; per diem; subsistence -- This bill requires that per diem be adjusted annually by the percentage change in the Metropolitan Phoenix Consumer Price Index and deletes current language that reduces per diem after 120 days.

Mr. Goudinoff pointed out that the Internal Revenue Service allows \$75 for per diem and suggested that standard be adopted. He said the amount of mileage received by legislators is not set in statute but is set at the rate allowed by IRS.

Senator Stephens said he was not sure the Legislature automatically conforms to IRS on mileage. He suggested staff find out from the Department of Administration and look at the language that IRS uses in dealing with legislative expenses.

Mr. Matthews pointed out that using the IRS standard would raise the per diem, which the public may not find advisable.

Analyst Joni Hoffman gave an overview of the following bills:

S.B. 1 - primary elections; date -- This bill moves the date of a primary election to June.

Ms. Noland pointed out that, when a session continues into June and the filing

of petition deadlines occurs at the end of June, it can present a difficult situation for those legislators who are not able to return to their primary homes in their districts in order to collect signatures.

Professor Kenski asked what the arguments are on behalf of the change.

Senator Stephens indicated a late primary causes the focus of attention of the general election to be placed more on fund raising rather than on discussion of the issues.

Mr. Goudinoff pointed out that sometimes people are motivated to run upon seeing legislative output at the conclusion of a session. With this proposal, the filing deadline would obviously be in the middle of session.

Senator Stephens said it may also provide more accountability and change the dynamics of what is passed in the Legislature since the time would be closer to the election.

Lisa Hauser, Assistant Attorney General, pointed out that the general election essentially begins 33 days before with absentee balloting. She indicated the Supreme Court is frustrated with the current timelines and has been supportive of the type of change being discussed, although there has not been any expression of a particular date.

Ms. Noland said she would like to know the Secretary of State's opinion.

Sam Vagenas, Assistant Secretary of State, said Mr. Mahoney supports providing more time by holding the primary election in June.

S.B. 2 - campaign contributions and expenses -- This bill is the same as S.B. 1160, which was sponsored by Senator Bartlett in the last session. The bill includes personal loans to a candidate and the definition of a campaign contribution and excludes loans made by a candidate to his own campaign. The bill also exempts loans from a financial institution done in the ordinary course of business.

Senator Stephens commented that the Subcommittee agreed to propose language dealing with the issue of community property.

S.B. 3 - independent candidates -- This bill allows independent candidates to file nominating petitions at the same time as major party candidates and allows independents to receive the tear sheets from the polls after the election.

Ms. Smith expressed concern about the costs that would be involved in making the tear sheets available.

Ms. Noland commented that in the Subcommittee Senator Stephens suggested a "first-come, first-serve" basis. Senator Stephens said the issue would have to be worked out since independent candidates do not have any access to the tear sheets, which is a discriminatory practice.

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Mr. Dioguardi suggested that candidates who want a copy make a request before the election, and the elections board could plan on that number.

Ms. Noland pointed out that it is the parties that pick up the sheets, not the candidates. She suggested that staff ask election officials about the issue.

Senator Stephens indicated that the issue of public financing and an alternative to the voluntary limit issue would be brought up next week. The question is whether these issues should be in the form of referendums or statutory enactments.

Mr. Burke submitted a proposal by Arizona Common Cause dealing with public financing for legislative races (filed with original minutes).

Ms. Noland said the Election Laws Subcommittee would meet Thursday, September 12, 1991, from 8:30 a.m. to 10:30 a.m., after which the full Committee would meet and continue through the day as necessary.

The meeting adjourned at 3:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Janice C. Stell".

Janice C. Stell  
Committee Secretary

GUESTS ATTENDING MEETING

TIME 9:00 a.m. 12-7

DATE APR 2 1971

MEETING Historical Kitchen

ATTACHMENT

ARIZONA STATE LEGISLATURE  
MINUTES OF  
ELECTION REFORM STUDY COMMITTEE

Date: Thursday, September 12, 1991

Time: 10:30 a.m.

Place: Senate Hearing Room #1

Senate Members Present

Senator Ann Day  
Senator Lester Pearce  
Senator Alan Stephens, Co-Chair

Other Members Present

Bruce A. Burke  
Tim Delaney  
Susan Bitter Smith  
Billy Shields

Members Absent

Senator Peña  
Representative Ben Hanley  
Dr. Eugene Hughes

House Members Present

Representative Bev Hermon  
Representative Peter Goudinoff  
Representative Patti Noland, Co-Chair

Steve Betts  
Robert L. Matthews  
Mark Dioguardi  
Professor Henry C. Kenski

Staff

Joni Hoffman  
Cindy Kappler  
Chris Gordon

Co-Chairman Stephens called the meeting to order at 10:52 a.m., and the secretary noted those in attendance. See attached sheet for other attendees.

**SUBCOMMITTEE REPORTS**

Initiative and Referendum

Senator Day submitted the final report of the Initiative and Referendum Subcommittee (filed with original minutes).

There was discussion pertaining to the withdrawal of petition signatures.

Mrs. Hermon moved the following verbal amendment to the Subcommittee recommendations:

Page 1, line 11, after "PETITION" strike "CONTAINING THE PERSON'S SIGNATURE"

Motion CARRIED by voice vote.

There was discussion of the definition of "resident".



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Lisa Hauser, Assistant Attorney General, pointed out that the Election Laws Subcommittee in its final report removed the definition of "resident", while retaining language that an individual can have only one residence for voting purposes and that a temporary absence does not result in a loss of residence.

Ms. Noland moved that the Committee conform to the same language proposed by the Election Laws Committee pertaining to residence.

Barbara Tellman, representing the Buffers Committee, indicated support for the removal of the "intent to remain" clause.

The motion CARRIED by voice vote.

There was discussion on the reporting of eleventh-hour contributions to ballot propositions.

Ms. Tellman commented that the Buffers Committee strongly favors making the reporting requirements for issues the same as reporting requirements for candidates. She expressed concern that the reportable figure set by the Subcommittee of in excess of \$25,000 is too high, especially for county elections.

Mr. Goudinoff moved the following verbal amendment to the Subcommittee report:  
Page 2, line 22, after "DOLLARS" insert "FOR A STATE BALLOT MEASURE,  
TWENTY FIVE HUNDRED DOLLARS FOR A BALLOT MEASURE IN A POLITICAL SUBDIVISION  
OF MORE THAN 100,000 POPULATION AND FIVE HUNDRED DOLLARS IN A POLITICAL  
SUBDIVISION OF LESS THAN 100,000 POPULATION"

Motion CARRIED by voice vote.

There was discussion pertaining to the referendum summary.

Rick Tompkins, representing himself, said it is not clear if government will decide if the referendum summary is "fair and accurate" and be held accountable for challenges that may arise. Senator Stephens indicated that government will not make that decision.

Ms. Tellman expressed concern about the "fair and accurate" element of the summary and the opportunities for litigation. She suggested a short title be included instead of a summary.

Skeet Blakeslee, representing League of Women Voters, stated that a title alone will not necessarily give accurate information.

Mr. Burke moved the following verbal amendment to the Subcommittee report:  
Page 2, line 35, strike "FAIR AND ACCURATE"

There was further discussion on the merits of the summary.

Mr. Burke moved a substitute motion to delete the requirement for a summary.

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Gayle Hartmann, Chair, Buffers Committee, provided copies of her stand on the issues dealing with the initiative and referendum process (filed with original minutes). Ms. Hartmann indicated that a summary with the relevant minutes of the appropriate city or county meeting would be more advantageous than including the entire text of a measure with the petition. She also commented that using 10 point type will contribute to the amount of paper involved.

Frank Luiz, Vice-Chairman, Neighborhood Coalition of Greater Tucson, submitted a letter listing the concerns of the Coalition (filed with original minutes). He agreed that the words "fair and accurate" should be deleted and only a description be used.

Jim Shumway, Maricopa County Elections Director, said it is difficult to summarize some texts into a 50-word descriptive title. The Committee may want to consider a summary longer than 50 words.

A division was called on the vote of the substitute motion and the motion FAILED.

Mr. Goudinoff moved the following verbal amendment to the Subcommittee report:  
Page 2, line 35, strike "FAIR AND ACCURATE SUMMARY"

Mr. Burke suggested the use of the word "description" instead of "summary."

Mr. Goudinoff moved the following substitute motion:  
Page 2, line 35, strike "FAIR AND ACCURATE SUMMARY" and insert  
"DESCRIPTION"

Mr. Shields suggested the 50-word length be deleted also.

Ms. Hermon suggested raising the length of the description to 100 words.

Mr. Goudinoff moved the following substitute motion:  
Page 2, line 35, strike "FAIR AND ACCURATE SUMMARY" and insert  
"DESCRIPTION"  
Strike "FIFTY" and insert "ONE HUNDRED"

The substitute motion CARRIED by voice vote.

At this point, Senator Stephens asked the Committee to make additional recommendations and motions after Senator Day completed the presentation of her report.

Ms. Hauser commented on the Subcommittee recommendation to change the number of signature lines permitted on the petitions to allow for the inclusion of new material on the face of the petition, including the summary and a notice to signers that the title and text should be attached.

Senator Day pointed out that the changes made pertaining to the summary for referendums should also be made for initiatives. Senator Stephens said without objection the changes would be made.

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The meeting recessed at 12:30 p.m.

\* \* \* \* \*

The meeting reconvened at 1:25 p.m. with a quorum present.

Senator Stephens asked if the word "eligible" on line 26 on page 12 was a typographical error. Ms. Hauser indicated the word should be "illegible". Senator Stephens said without objection that would be corrected.

Senator Stephens called for public testimony on the recommendations of the Subcommittee.

Mr. Luiz expressed concern on the following proposals, indicating they would result in increased costs:

- \* Limiting the number of signatures per petition sheet to ten signatures.
- \* Requiring the complete text of the measure to be attached to each petition sheet.
- \* Limitation on type size. He indicated six point type is very readable.
- \* Requiring only one petition sheet per supporting documentation.

Ms. Noland suggested that supporting documentation might only be required to be in the possession of each circulator.

Ms. Hauser said when the petitions are filed each sheet must be attached to a copy of the title and text.

Ms. Noland suggested a verification be placed on the back stating the supporting documentation was attached at the time of signing, and then it would not have to be attached for filing.

Ms. Hauser indicated that change would require a constitutional amendment.

Mr. Luiz also expressed concern about the recommendation that signatures can be disqualified after comparison with the signature on the affidavit of registration. He pointed out that signatures do change.

Mr. Luiz urged that the initiative and referendum process be simplified instead of more complicated. He suggested the Committee look at those items that have been covered under more recent litigation to determine how those issues can be simplified.

Barbara Tellman, representing the Buffers Committee, listed some of her concerns:

- \* The identification revealing a paid circulator does not need to be on each petition sheet, as it could be subject to litigation. She suggested a disclaimer that indicates some petitions are being circulated by paid people, or the circulators could wear buttons indicating they are being paid.

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ELECTION REFORM STUDY COMMITTEE

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- \* The recommendation that 25 qualified signers turn in a petition serves no purpose, but only stalls for time.
- \* The public hearing serves no purpose.
- \* She suggested that a copy of the statutes continue to be provided to people who take out petitions, since these also include the Constitution.
- \* There is no point in requiring that the affidavit of circulator be notarized. Otherwise, candidate petitions should make the same requirement.
- \* The nature of the random sample should be more clearly specified.
- \* The publicity pamphlet should contain information about the fund sources on both sides of the issue.
- \* The city's right to have less restrictive laws is deleted.
- \* Clarification is needed that the number of signatures required for an issue is based on the last election before the petition was taken out.
- \* A random sample in the counting of signatures on recall petitions can be done as for initiatives and referendums and time not be wasted counting every signature.

Ms. Tellman expressed concern that the proposed recommendations are not well thought out and do not address many other problems. She suggested these issues be handled in the regular session.

Ms. Noland explained that it is difficult to give the dedicated time necessary to work with an issue of this magnitude during a regular session.

Ms. Hartmann expressed concern about attaching the text to the petition and using ten point type. She pointed out that all the material attached to petitions must also be included in the publicity pamphlet and cited the amount of paper and expense involved.

Ms. Hartmann proposed that, at least on referendums, a cover page be required with a title, a summary, multiple signature pages and the text adjacent but not necessarily attached. If the text must be physically attached, she asked the Committee to permit the use of smaller type and multiple pages.

Ms. Hartmann expressed concern that the requirement to prepare a list at the time of filing the petition, containing the name, address and county for each individual paid circulator, would be difficult while trying to meet a deadline. Any mistakes made could become litigative issues.

Doris Turner, representing the American Association of University Women, said the initiative process is the citizen's opportunity to participate in government

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operations and should be kept as simple and as inexpensive as possible. Over the years the process has been corrupted by large corporations, and not enough has been done to correct that.

Mr. Shumway pointed out the following concerns:

- \* Page 5, lines 22-25 - Mr. Shumway said that when language is repealed new language is inserted in capital letters, and it is not necessary to include the entire text being repealed. He asked if the Subcommittee's intent was to ensure that repealed language be included.

Mr. Betts said the intent of the Subcommittee was to provide the opportunity for each person signing a petition to know what language is being repealed.

Mr. Shumway continued:

- \* Page 8, line 10 - Regarding the signatures obtained on petitions by a committee, the intent is probably a "sponsoring committee," since there could be many committees assisting with petitions.

Ms. Hauser suggested the Committee might want to tie that into the Title 16 language to indicate "political committee". Senator Stephens asked her to draft some language.

Mr. Shumway continued:

- \* Page 10 - Regarding the form of the petition, he suggested the lines of the petition be continued on the back of the petition. Presently, there is only the need for an affidavit of circulator on the back. Regarding inclusion of the text, if the affidavit includes language allowing the circulator to swear to the fact that the text was attached during the time of circulation and at the time of filing, that could be an assurance that the text was there, regardless of how it was attached.

Ms. Bitter Smith said the counties are interpreting what the attachments need to be differently than the cities. She asked if the problem could be solved by describing what the attachments must be.

Senator Stephens suggested this issue may best be solved in the special session.

Mr. Shumway continued:

- \* Page 10, line 18 - "FACT" should be "FACE"  
Line 20 - "STREET" should be "SHEET"

Senator Stephens said without objection those changes would be made.

Mr. Shumway continued:

- \* Page 11, line 10 - Regarding informing the applicant of the total number

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ELECTION REFORM STUDY COMMITTEE

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of signatures eligible for verification, the word "inform" may not be clear. "Issue a receipt" may be more definitive.

- \* Page 12, lines 34-35 - Regarding a signature being disqualified after comparison with the signature on the affidavit of registration, it was noted earlier that signature comparisons "may" be made. He indicated all the counties presently have the ability to compare signatures. He suggested "may" be changed to "shall".
- \* Page 17 - Regarding the sample ballot being mailed and including the publicity pamphlet, the State reimburses the county for the mailing of the sample ballot, and if there is an additional cost in mailing, that would be reimbursed as well.
- \* Page 23 - The number of signatures required for recall petitions is 25 percent of the number of ballots cast for all candidates for the office at the last election. He expressed concern that an inordinate number of signatures may be required if the number is based on a presidential year, even though the person being recalled may have been elected during an off-year.

Senator Stephens noted that the earlier motion pertaining to "fair and accurate" will be conforming throughout the document.

Mr. Goudinoff moved the following verbal amendment to the Subcommittee report:

Page 5, strike lines 7-19  
strike lines 26-47  
Page 6, strike lines 1-3

Mr. Goudinoff indicated he supports the idea of a public hearing but does not agree with the requirement of 25 signatures on an application for a petition or the \$100 filing fee.

The motion CARRIED by voice vote.

Ms. Noland moved the following verbal amendment to the Subcommittee report:

Page 6, line 36, after the period, strike the remainder of the line.  
line 37, strike entire line.  
line 38, after the period strike "EACH", after "SIGNATURE" strike "SHEET" and insert "SHEETS"  
line 40, after "LEAST" strike "TEN" and insert "EIGHT", after "CIRCULATION" strike "BUT"  
line 41, strike entire line  
line 42, strike "TEXT"

Ms. Noland commented this would allow multiple signature sheets to be attached with no actual limit placed, as long as the sheets can be attached. She pointed out that people do not always have a pen with black ink handy to sign a petition. She settled on the eight point type because six may be too hard to read for some people.

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Prof. Kenski asked what type is used for ballot propositions and suggested the type possibly be no smaller than that.

Mr. Shumway said the only specific type style required is that proposition numbers be in 12 point reverse type. When type styles are set for initiatives and referendums, they are limited by the size of page chosen to fit into the voting device.

Senator Day indicated she would agree with the proposal for eight point type due to the fiscal impact of larger type.

The motion CARRIED by voice vote.

Mr. Delaney asked if the type size would be changed throughout the Subcommittee report. Senator Stephens said without objection the changes would conform throughout.

Ms. Bitter Smith asked if the chair could suggest that the issue of what has to be attached to the petition be addressed either in special or regular session. Senator Stephens indicated the Committee will follow up on that issue.

Mr. Delaney referred to page 6, line 33, regarding the deletion of the post office address and commented that Ms. Hauser testified that was originally taken out and then a check of the Constitution revealed listing a post office box as an address is allowed.

Senator Stephens said without objection that would be changed.

Senator Stephens noted he had inadvertently overlooked a member of the public who wished to testify.

Ernest Hancock, representing Declaration of Independents, commented that requiring 25 signatures on an application for a petition takes more opportunities away from the individual. He indicated it may be very important who those 25 people are and suggested that celebrity and elected officials will be inundated with requests for signatures on petitions.

Mr. Hancock commented that the deputy registrars still have the opportunity to register a voter and then have the voter sign an initiative petition. The issue needs to be addressed as to whether someone circulating a petition, party or not, will have the opportunity to fill out the voter registration card and sign a petition. He said it is important to know when the registration would become effective -- the date postmarked, date received or date filed.

Mr. Hancock urged the Committee to attempt to give more power and rights back to the individual.

Senator Stephens asked Ms. Hauser for the language she had drafted for Section 9, and she submitted the requested information, indicating it is consistent with language used in connection with the filing of the application.

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Ms. Noland moved the following verbal amendment to the Subcommittee report:  
Page 8, line 10, before "COMMITTEE" insert "POLITICAL", after "COMMITTEE"  
insert "PROPOSING THE INITIATIVE OR REFERENDUM"

Motion CARRIED by voice vote.

Ms. Noland moved the following verbal amendment to the Subcommittee report:  
Page 8, line 21, after "a" strike "ITS OWN"

She commented this conforms with her motion in the previous section.

Motion CARRIED by voice vote.

Ms. Noland asked for clarification on the change from 15 to ten signatures allowed on each petition sheet.

Mr. Shumway responded that with the addition of the 100-word summary on the front of the petition, along with the other required wording, more space is needed on the sheet. He reiterated his suggestion of using the back of the petition for signatures.

Mr. Burke asked how many names can be placed on the back. Mr. Shumway said, with the affidavit of circulator, there is probably room for ten names.

Mr. Burke moved the following verbal amendment to the Subcommittee report:  
Page 9, line 9, strike "one", insert "EACH SIDE OF THE PETITION"

Motion CARRIED by voice vote.

Mr. Goudinoff pointed out that one of the public had concerns about filing the petition with a list of the paid circulators of the petition.

Mr. Betts noted the intent was to allow the media or others to learn if paid circulators were used, and that information would be pertinent when the petition is filed.

Mr. Goudinoff moved the following verbal amendment to the Subcommittee report:  
Page 8, line 29, after the period strike "AT THE TIME", insert "WITHIN TEN DAYS"

A division was called and the motion FAILED.

Mr. Delaney moved the following verbal amendment to the Subcommittee report:  
Page 11, line 10, after "AND" strike "INFORM", insert "ISSUE A RECEIPT TO"

Mr. Delaney pointed out this would comply with a recommendation from Mr. Shumway.

Motion CARRIED by voice vote.



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Mr. Betts pointed out the necessity of clarifying that Section 22 only applies statewide or recognize that the numbers may be too high if pertaining to local elections, in which case the ratio used in the motion in Section 4 could be used.

Mr. Delaney moved to strike Section 22.

Mr. Delaney said this section may be unconstitutional.

Senator Day indicated she would not like to see this section stricken since it involves advertising disclosure.

Mr. Betts said the intent of the Subcommittee was to write language that was more constitutional.

The motion FAILED by voice vote.

Mr. Goudinoff moved that the language on page 20 be conformed to the language on page 2, line 22.

Mr. Betts suggested this same ratio be used to conform throughout the report.

The motion CARRIED by voice vote.

Ms. Bitter Smith moved the following verbal amendment to the Subcommittee report:  
Page 21, Line 9, after "ON" strike "TELEVISION", insert "A  
TELECOMMUNICATIONS SYSTEM"

The motion CARRIED by voice vote.

Ms. Bitter Smith moved that language for initiative and referendum in cities, towns and counties be conformed to language for statewide measures.

The motion CARRIED by voice vote.

Ms. Noland moved the following verbal amendment:  
Section 19-142, Subsection A, (which is not included in the Subcommittee report since no changes were made initially), strike "filing" and insert "OFFICIAL INITIATION OF THE PROCESS"

Ms. Hauser indicated this would base the number required to file a referendum petition on the number of votes cast in the election preceding the application for the referendum.

Motion CARRIED by voice vote.

Senator Day moved the adoption of the Initiative and Referendum Subcommittee report as amended.

Senator Stephens noted that the effective date is not specified.

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Mr. Betts indicated the Subcommittee felt some provisions should go into effect immediately without affecting ongoing initiatives and referendums. The Subcommittee intended this issue to be worked on with Legislative Council before the special session.

The motion CARRIED by voice vote.

Campaign Finance

Mr. Goudinoff commented that the Subcommittee did not deal with issues of controversy dealing with family loans, splitting of the election cycle between primary and general, exploratory committee and change in contribution limits.

Mr. Goudinoff submitted the report of the Subcommittee (filed with original minutes) and explained some technical errors needed to be corrected and some amounts filled in as follows:

- \* Page 2, line 41 - Mr. Betts suggested using the Federal limit of \$100 for food and beverages provided by an individual for any single candidate.

Mr. Goudinoff suggested a limit of \$500 on behalf of all committees of a political party in any calendar year.

Mr. Dioguardi commented that the restriction in this provision is intended to limit the amount of influence anyone has on a candidate. However, he asked why the Committee would want to discourage people from being involved in as many campaigns as they want and suggested the deletion of the aggregate limit.

Mr. Betts moved the following verbal amendment to the Subcommittee report:  
Page 2, line 41, after "ELECTION" strike the comma, insert a period, and strike the remainder of the line  
strike lines 42 and 43

A division was called and the motion CARRIED by a vote of 7-4.

Mr. Goudinoff asked what limit should apply for the sale of food or beverage by a vendor at a reduced charge.

Mr. Dioguardi moved the following verbal amendment to the Subcommittee report:  
Page 3, strike lines 1-8.

Mr. Dioguardi explained the values of these items are hard to keep track of, and it would be easy to underestimate the actual cost.

The motion CARRIED by voice vote.

Mr. Goudinoff indicated the following technical corrections:  
Page 4, line 28, after the first period insert "FOR PURPOSES OF SECTION 16-903 AND SECTION 16-905."

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Page 7, line 11, strike "ARE BENEFICIARIES", insert "IS A BENEFICIARY"  
line 15, strike "FOR PURPOSES OF COMPLYING WITH SECTION 16-915"

Mr. Betts noted that subdivision (a) deals with assets a candidate has a legal right to access and suggested there is no purpose in including subdivision (c).

Ms. Hauser said the Committee needs to decide if the candidate should be limited to essentially one-half of the community assets (in which case strike the language on line 15 as noted above) or acknowledge that subdivision (a) includes the entire community assets (in which case subdivision (c) would be deleted), allowing the candidate to make full use of his community assets. The candidate would still be limited as to what he could take from his spouse's separate property.

Senator Stephens said without objection subdivision (c) would be deleted.

Mr. Goudinoff indicated the following technical corrections:

Page 8, line 8, strike the first "OR", insert "AND"

Page 10, line 5, strike "EXCEPT THAT A CANDIDATE WHO IS NOT"  
strike line 6

line 7, strike "HIS POLITICAL COMMITTEE FOR THE GENERAL ELECTION"

Page 12, line 16, strike the first "office", insert "election"; after  
"than" insert "for"

line 21, after "for" insert "an election for"

Mr. Goudinoff explained the Committee needed to decide the year to begin the quadrennial adjustment of contribution limits.

Ms. Hauser said the change from a biennial to a quadrennial adjustment was a result of individuals who complained that the changes were occurring too fast.

There was discussion on whether to adjust to the nearest \$25 or remain with present statute at \$10.

Mr. Goudinoff moved the following verbal amendment to the Subcommittee report:

Page 13, line 31, strike "QUADRENNIALLY BEGINNING IN FEBRUARY 199 "

line 32, strike "biennially", insert "biennially", strike "ten",  
insert "ten", strike "TWENTY-FIVE"

Motion CARRIED by voice vote.

Mr. Goudinoff indicated the following technical changes:

Page 13, line 42, after "A" insert "B, C, AND"; strike "through"; strike  
"cumulatively to the entire", insert "TO EACH ELECTION AS DEFINED  
IN SECTION 16-901"

line 43, strike "primary and general campaign"; after "seeks",  
insert a period  
strike lines 44-47

Mr. Delaney suggested there is a difference between requiring what is on a

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petition as opposed to an advertisement and suggested the reference to type be deleted, as follows:

Page 19, line 34, strike "IN NO LESS THAN \_\_\_\_\_ POINT TYPE"

Ms. Bitter Smith requested that "telecommunications system" be used throughout the document in place of "television".

Mr. Delaney suggested this language conform with the language used in Section 19-128.

Senator Stephens said without objection those changes would be made.

Mr. Goudinoff indicated the following technical changes:

Page 22, line 10, strike "OR HIS IMMEDIATE FAMILY MEMBERS"

There was discussion on the figure to insert on page 26, line 17, pertaining to eleventh-hour independent expenditures.

Analyst Cindy Kappler pointed out a bill in the Election Laws Subcommittee set a limit for this item at \$500.

Mr. Burke moved the following verbal amendment to the Subcommittee report:

Page 26, line 17, after "AGGREGATING" insert "FIVE HUNDRED"

Ms. Hermon moved the following substitute motion:

Page 26, line 17, after "AGGREGATING" insert "FIVE THOUSAND FOR A STATEWIDE CAMPAIGN, TWENTY FIVE HUNDRED DOLLARS FOR A DISTRICT OR COUNTY CAMPAIGN AND FIVE HUNDRED DOLLARS FOR A LOCAL CAMPAIGN"

Sam Vagenas, Assistant Secretary of State, indicated there is a problem in communicating to the city clerks and county election officers in terms of campaign finance. It would be better to set the amount at a flat rate of \$500 for all races.

Mr. Betts proposed using the highest number for State office holders, the second number for legislators and the lowest number for local candidates

Ms. Hermon expressed concern that the Secretary of State's Office would not plan to require a real aggregate filing for independent political action committees.

Due to the controversial nature of this issue, Senator Stephens asked for public testimony.

Dana Larsen, representing Common Cause, said he supports the idea of a low unified threshold since it will prohibit people from making aggregated or joint ventures.

Ms. Hermon withdrew her motion.

Ms. Hermon suggested the language be changed to require a political committee

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making an independent expenditure or as a part of an aggregate expenditure should report, and a threshold number be included.

Senator Stephens said without objection Mr. Burke's motion would be accepted.

Mr. Delaney referred to page 8, line 7 and line 28, stating that each political committee shall include the name of any sponsoring organization. He commented there could be a number of different groups or individuals sponsoring a measure, which could become cumbersome including all the names with the political committee.

Mr. Dioguardi responded that the technical change from the Attorney General's Office regarding the definition of "sponsoring organization" affirms that there will really only be one actual sponsoring organization.

Mr. Delaney said this may be a concern to reconsider during the special session.

Mr. Delaney commented on page 13, line 3, indicating the language is not clear as to if a contribution check signed by an employee of a company is a contribution by the employee or the company.

Mr. Dioguardi suggested the following change:  
Page 13, line 3, after "PERSON" insert "OR ENTITY"

Senator Stephens said without objection that change would be made.

Mr. Delaney commented on page 14, lines 10-13, and said clarification is needed regarding contributions made by an unemancipated minor.

Senator Stephens indicated that could be reviewed in special session.

Mr. Delaney moved the following verbal amendment to the Subcommittee report:  
Page 19, strike line 3, insert "AN INDIVIDUAL OR POLITICAL COMMITTEE MAKING  
AN EXPENDITURE FOR"  
line 7, strike "IS MADE, THE INDIVIDUAL OR POLITICAL COMMITTEE"

Mr. Delaney indicated this clarifies that only the individual or the political committee making the expenditure is liable for any nondisclosure required in an advertisement.

Senator Stephens said without objection that change would be incorporated.

Mr. Delaney commented on page 27, line 1, that this statute may penalize a candidate because of the action of a third party.

Mr. Betts pointed out that if it does not meet the definition of independent expenditure, then it will be counted towards the candidate's committee. He indicated the candidate does have to keep some control over his campaign committee.

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Mr. Burke expressed concern about the deletion of language allowing a qualified elector to file a complaint with the Attorney General in connection with a violation of contribution limitations.

Mr. Burke moved the following verbal amendment to the Subcommittee report:  
Page 14, lines 36-42, reinsert stricken language  
Page 15, lines 1-4, reinsert stricken language

Senator Stephens said without objection the stricken language would be reinserted.

Mr. Goudinoff moved the adoption of the Campaign Finance Subcommittee report as amended.

Dana Larsen, representing Common Cause, indicated the most serious problem includes independent expenditures and urged the adoption of the report as is.

Eileen Fellner, representing herself, expressed concern that the Subcommittee did not deal with spending limits and public financing.

Mr. Hancock pointed out that the qualifications for access to public financing should be equitable to all, without advantage to any particular party.

Mr. Betts moved his two-line amendment, dated 9-12-91, to the Subcommittee report (filed with original minutes).

Mr. Betts pointed out the amendment makes both the general and the primary elections separate for purposes of contribution limitations. This amendment would apply existing Proposition 200 limitations separately to the primary and general elections. Mr. Betts explained that Arizona is the most restrictive state on campaign contributions.

Mr. Burke expressed opposition to the amendment, pointing out the public overwhelmingly supported Proposition 200.

There was discussion pertaining to the public's confusion as to whether Proposition 200 applied to the general and primary elections separately.

Senator Stephens opened up the discussion to the public.

Skeet Blakeslee, representing League of Women Voters, expressed opposition to an increase in the limits imposed by Proposition 200 and the apparent intent to exempt legislators from the scrutiny of the Ethics Board.

Ms. Blakeslee said she hoped more consideration would be given by the Committee to single-member districts, as well as mandatory consolidation of election dates to perhaps four days a year. She expressed concern that the Committee did not consider an income tax check off for a partial subsidy of some television time for issue discussion by qualified candidates for the legislature.

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Ms. Fellner said the object should not be to limit the amount of contribution but to limit the amount of influence. She said she would like to see spending limits placed on a campaign with the candidate able to obtain the contributions wherever possible with full disclosure. This would eliminate the power of the political action committee and the independent campaign committee.

Doris Turner, representing the American Association of University Women, indicated support for Proposition 200 spending limits.

Dana Larsen, representing Common Cause, said he opposed the proposed amendment and that a wide majority of the public supports the current contribution limits. He indicated Proposition 200 caused contributions by political action committees to drop, which was the intent of the legislation.

The motion to adopt the Betts amendment FAILED by a roll call vote of 7-7-3 (copy attached).

In an explanation of her vote, Ms. Hermon said it is ridiculous that Arizona has the lowest campaign contribution limits in the country.

In an explanation of his vote, Mr. Delaney said the repercussion of this amendment will be lower participation in the electoral process, which will be controlled by a fewer number of people.

In an explanation of her vote, Ms. Noland said she wished that in campaign contribution limits the Committee could distinguish between whether there is a primary race and a general race, since that is a key issue in getting the message to the people.

In an explanation of his vote, Senator Stephens said this amendment could jeopardize the progress of the technical changes on Proposition 200.

The motion to adopt the Campaign Finance Subcommittee report CARRIED by voice vote.

Senator Stephens submitted two bills for discussion pertaining to public financing and voluntary expenditure limits.

Mr. Burke moved S.B. 7 with a DO PASS recommendation.

Analyst Joni Hoffman explained that S.B. 7 (filed with original minutes) deals with legislative campaign financing and is the same as S.B. 1290 as it passed the Senate last session. The bill permits a candidate to sign a contract with the State to agree to limit the amount of money he contributes to his own campaign and limit the amount of expenditures. As a result, the candidate can receive dollar for dollar matching public monies.

There was discussion on the bill, specifically as to whether this issue should be dealt with statutorily or by a vote of the people.

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The motion FAILED by voice vote.

Senator Stephens submitted for discussion S.B. 8, voluntary campaign spending limits (filed with original minutes).

Ms. Noland indicated she could not support this bill and suggested the question of expenditure limits and public financing would have to be tied together and submitted to the voters.

Senator Stephens decided not to offer a motion on S.B. 8.

The meeting recessed at 7:15 p.m.

\* \* \* \* \*

The meeting reconvened at 7:55 p.m. with a quorum present.

Lobbyist Reform

In the absence of Senator Peña, Ms. Noland submitted the Subcommittee report (filed with original minutes). She noted that Dana Larsen assisted the Subcommittee with clarifying language and asked him to comment on the recommendations.

Mr. Larsen outlined the provisions of the proposal, explaining that currently in Arizona there are too many people registered as lobbyists with too little reporting. The proposal prohibits lobbyists from making campaign contributions during the legislative session, places a cap on gifts to State officers and employees from lobbyists of \$100 in a calendar year and prohibits legislators from lobbying for one year after they leave office. The proposal requires disclosure of all lobbying expenditures, detailing single expenditures of more than \$10.

Mr. Larsen noted that three kinds of lobbyists are defined: public lobbyist, lobbyist for compensation and authorized lobbyist. A registration fee of \$25 is required for principals if they have a lobbyist for compensation.

Senator Stephens asked if there had been a change in Section 7 pertaining to whom contributions are prohibited during session. Ms. Noland said a provision involving any person elected to a Statewide office was deleted because offices such as the Governor and Attorney General deal with issues constantly, not just during a legislative session.

Senator Stephens expressed concern that this provision is narrow to one specific type of public official and that legislators are singled out as the only people who need to be protected from lobbyists.

Scott Butler, representing himself, said the language in the previous draft said that a lobbyist or principal may not make a campaign contribution for any State officer elected to a Statewide office during the time when a decision is pending by that public official that would directly affect the principal or the lobbyist.



He pointed out the principal and the lobbyist cannot always know what is pending, unless actually lobbying on that issue.

Mrs. Noland explained that a proposed amendment provides conforming language for public lobbyists and another proposed amendment allows a legislator to communicate with any officers or employees of a public body without their having to register as lobbyists.

There was discussion on the reporting of entertainment events, and Ms. Noland indicated more clarification is needed.

Ms. Noland moved the adoption of the Lobbyist Reform Subcommittee report.

Kent Fairbairn, representing League of Arizona Cities and Towns, expressed concern about the broadness of the definition of public lobbyist.

Senator Stephens stated he had an amendment that attempts to expand the registration requirements of cities and counties.

Ms. Noland explained that the mayor and the city council are excluded. However, someone who lobbies on their behalf must register.

Sam Vagenas, Assistant Secretary of State, urged the Committee to include political action committees in the prohibition of contributions during the legislative session.

Ms. Noland moved her 3-page amendment to the lobbyist reform bill (filed with original minutes). Motion CARRIED by voice vote.

Ms. Noland moved her 6-line amendment dated 9/11/91.

Mr. Delaney pointed out that the amendment only addresses public bodies and should also include private entities.

Ms. Noland moved a substitute motion to adopt her 6-line amendment dated 9/11/91 with the following change:

Line 4, after "LEGISLATORS" insert a period, strike the remainder of the line.

Strike line 5

The motion CARRIED by voice vote.

Senator Stephens indicated he had a proposed 5-line amendment, dated 9/12/91, 9:07 a.m., to extend the registration to cities and counties.

Ms. Noland said she did not disagree with the issue, but it was not discussed during the Subcommittee meetings. She expressed concern with bringing up the issue at this point without the local representatives being made aware and having the chance to testify.

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Kent Fairbairn, representing League of Arizona Cities and Towns, noted that the League has not spoken with its membership to determine their opinion. There is no mechanism presently in place at the local level to handle this situation.

Senator Stephens said he would be willing to work with people at the local level, and the issue will be raised again.

Mr. Delaney offered several technical changes, and Senator Stephens said without objection the changes would be incorporated.

Mr. Delaney commented on page 8, line 30, regarding language requiring lobbyists to file a registration form and read a handbook of statutes by January 1, 1991. He remarked that, even with the emergency clause in the bill, this would be difficult for the Secretary of State to accomplish by January 1.

Ms. Noland pointed out that date was selected for the registration cycle and to have it instituted for the next legislative session.

Sam Vagenas, Assistant Secretary of State, asked if all the language would be effective immediately as well. This bill sets new requirements in terms of disclosure, and it would be difficult to communicate these changes to all concerned.

Senator Stephens said it would be necessary to look at the timing of the entire act to ensure that people know what the requirements are. Ms. Noland said the entire enactment should become effective at the same point, hopefully before the legislative session.

The motion to adopt the Lobbyist Reform Subcommittee report CARRIED by voice vote.

Election Laws

Ms. Hermon submitted an overview of each of the bills adopted by the Subcommittee (filed with original minutes).

Ms. Noland moved H.B. 1A, Revised, campaign finance; independent expenditure disclosure, with a DO PASS recommendation.

Mr. Delaney remarked that page 2, line 8, refers to a committee, and he suggested it should be a "political committee".

Mr. Delaney moved the language conform to the Title 16, Chapter 6, amendments.

Mr Delaney asked if that would include, page 3, lines 8-15, pertaining to the definition of "independent expenditure". Analyst Cindy Kappler pointed out that Legislative Council had not seen the Attorney General's draft but based the language on that draft. She indicated that when Legislative Council incorporates both drafts, they will probably use the same definition.

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Mr. Butler commented on page 2, line 39, pertaining to independent expenditure reports required listing the names and the amount contributed for that expenditure. He pointed out generally a committee that does independent expenditures collects money over a long period of time, and the money is not collected for a specific expenditure. There is a doubt that information will be available.

Mr. Butler said a similar problem exists on page 3, line 4. It appears to say that any expenditure by the campaign committee that does not constitute an independent expenditure constitutes an in-kind contribution. The problem is these committees also make nonpolitical expenditures. He suggested clarification is needed to indicate that the expenditures expressly advocate the election or defeat of a candidate and do not qualify as independent expenditures.

Senator Stephens asked Mr. Butler to draft language.

Senator Pearce commented that page 2, line 24, pertaining to reporting of independent expenditures, needs clarification.

There was discussion about independent expenditures for advertising that may have been reported some months ago, while some of the advertising may have only been distributed within the last 20 days before the election.

Mr. Delaney said that pertaining to page 2, line 13, there is no provision for local campaigns to file a copy of campaign advertisements distributed within 20 days. Ms. Hermon agreed that was not included and was not discussed by the Subcommittee.

The motion to adopt H.B. 1A, Revised, was CARRIED by voice vote.

Ms. Hermon moved H.B. 2, Revised, elections; seventy-five foot limit notices, with a DO PASS recommendation. Motion CARRIED by voice vote.

Ms. Hermon moved H.B. 3, Revised, elections; polling place disclosure, with a DO PASS recommendation. Motion CARRIED by voice vote.

Ms. Hermon moved H.B. 4, elections; questioned ballots, with a DO PASS recommendation. Motion CARRIED by voice vote.

Ms. Hermon moved H.C.R. 5A, state officers; terms, with a DO PASS recommendation. Motion CARRIED by voice vote.

Ms. Hermon moved H.C.R. 5B, state officers; term limits, with a DO PASS recommendation.

Ms. Hermon moved her 6-line amendment, dated 9/12/91.

Ms. Hermon said this amendment dovetails with the "eight is enough" initiative being circulated.

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Mr. Goudinoff said there is a real problem with the Legislature attempting to put a measure on the ballot while an initiative is being circulated, especially since this bill may be viewed as less onerous than the "eight is enough" initiative.

Mr. Delaney noted that a grandfather clause is included on page 1, line 13 for the legislature but there is no such clause for the executive department offices on page 2.

Analyst Cindy Kappler commented a conforming change should be made.

Mr. Delaney said he does not see a problem at the State legislative level. However, there is a problem at the national level with Congress. He suggested the Committee not make this change at the State level. If anything, the Legislature should adopt a Congressional term limitation resolution similar to South Dakota and Utah.

Senator Stephens said without objection the conforming change on term limitations for the executive department offices will be incorporated.

The motion to adopt the Hermon 6-line amendment CARRIED by voice vote.

Ms. Hermon moved H.C.R. 5B, as amended. A division was called by Ms. Noland and the motion CARRIED by a vote of 7-6.

Ms. Hermon moved H.C.R. 5C, state officers; salary, with a DO PASS recommendation. Motion CARRIED by voice vote.

Ms. Hermon moved H.B. 6, legislators; per diem; subsistence, with a DO PASS recommendation.

Mr. Matthews said the deletion of language limiting full per diem payments to the first 120 days of the legislative session may be perceived by the public as an incentive for the Legislature to lengthen the session.

Senator Pearce moved the following verbal amendment to the printed bill:  
Page 2, reinsert stricken lines 2-9

Ms. Noland commented that action penalizes the out-county legislators.

The motion FAILED by a voice vote.

The motion to give H.B. 6 a DO PASS recommendation CARRIED by voice vote.

Ms. Hermon moved H.B. 7, Arizona election commission, with a DO PASS recommendation.

Mr. Burke moved Senator Stephen's 2-page amendment, dated 9/12/91, 8:20 a.m.

Senator Pearce pointed out the Ethics Subcommittee will submit a recommendation

to add "ethics board" functions to the Arizona Election Commission.

Ms. Hermon asked if it would be in conflict with H.B. 7.

Senator Stephens indicated there is a minor conflict on page 2, lines 5-7. The issue involves two reviews of complaints -- the first review designed to eliminate the frivolous complaints without making them public, and the Commission can then focus on the second level with the more serious complaints.

Senator Pearce referred to page 2, line 20, of the proposed legislation from the Ethics Subcommittee, which indicates if a complaint is dismissed the complaint and answer are to be kept confidential. He pointed out that one of the problems with Senator Stephens' amendment is that the complaint can arbitrarily be made public or confidential.

Senator Stephens said without objection his amendment would conform to the legislation proposed by the Ethics Subcommittee.

Mr. Betts pointed out that, in all of the other 32 states that have campaign election commissions, the members are appointed by the governor. He said he could not support language in Senator Stephens' amendment that enables the Chief Justice to appoint the members.

Senator Pearce moved a verbal amendment to the Stephens' 2-page amendment as follows:

Page 1, strike lines 1-6

He explained this would leave the appointment procedure as is presently outlined in H.B. 7.

A division was called and the motion CARRIED by a vote of 8-5.

The motion to adopt the Stephens' amendment was CARRIED by voice vote.

Ms. Hermon moved H.B. 7 with a DO PASS as AMENDED recommendation.

Sam Vagenas, Assistant Secretary of State, said the issue of the Election Commission has been brought up on a number of agendas but has not been addressed until this meeting. He expressed concern that no opportunity for public testimony was given.

Senator Pearce responded that the issue was discussed extensively in the Ethics Subcommittee.

Mr. Vagenas indicated that the drafts of legislation he saw in the Ethics Subcommittee had a much more narrow scope, dealing with campaign ethics and did not create a commission with staff, computers, subpoena power, etc.

Senator Stephens said the issue was brought up in the Election Laws Subcommittee, and there was some public testimony.

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Mr. Vagenas said the proposal is now doubly politicized with the Speaker of the House of Representatives and the President of the Senate making appointments to the Commission, since they have responsibilities to their caucuses and their constituents. The Secretary of State would be open to the proposal by Senator Stephens in which the Chief Justice, a person outside the political process, appoints all members. He also expressed concern that the Commission creates a new bureaucracy at a cost to the State.

Ms. Noland pointed out that the Subcommittee attempted to work on a revenue neutral position.

Mr. Vagenas said in tough fiscal times the State should be tightening down and giving more enforcement power to the Attorney General.

A division was called and the motion CARRIED by a vote of 8-5.

Ms. Hermon moved H.B. 8, elections; absentee voting, with a DO PASS recommendation. Motion CARRIED by voice vote.

Ms. Hermon moved H.B. 10, elections inspectors and judges, with a DO PASS recommendation. Motion CARRIED by voice vote.

Ms. Hermon moved H.B. 9, election laws; penalties, with a DO PASS recommendation.

Analyst Cindy Kappler explained this bill only deals with four sections currently in statute that have criminal penalties. There are other sections that should be incorporated in a similar manner to go along with the Campaign Finance bill, which no longer has any misdemeanors or penalties within the bill.

Senator Stephens said without objection the conforming changes would be incorporated.

Mr. Delaney suggested conforming changes be made on page 2, pertaining to what needs to be disclosed for campaign literature and who is responsible. He also suggested the following change:

Page 2, line 43, strike "A PERSON" insert "A POLITICAL COMMITTEE THAT"

Mr. Delaney suggested language dealing with private right of action be included in the following areas:

Page 2, lines 8-16

Page 3, lines 41-46

Page 4, lines 18-23

Senator Stephens said without objection those changes would be incorporated.

The motion to give H.B. 9 a DO PASS recommendation CARRIED by voice vote.

Ms. Hermon moved H.B. 11, independent parties; signatures, with a DO PASS recommendation.

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Senator Stephens commented on a memo (filed with original minutes) from members of the Libertarian Party correcting some information about the number of signatures required in Colorado to have a new party represented on the ballot. Senator Stephens expressed concern that the number of signatures required in Arizona is too high.

Motion CARRIED by voice vote.

Ms. Hermon moved S.B. 1, primary elections; date, with a DO PASS recommendation. Motion CARRIED by voice vote.

Ms. Hermon moved S.B. 2, campaign contributions and expenses, with a DO PASS recommendation.

Mr. Betts noted that the provisions of this bill are already included in the amendments to Proposition 200 on page 3, lines 29-39.

Ms. Hermon withdrew her motion.

Ms. Hermon moved S.B. 3, independent candidates, with a DO PASS recommendation.

Intern Chris Gordon submitted information from the Maricopa County Department of Elections pertaining to the cost of providing tear sheets to independent candidates (filed with original minutes).

Senator Stephens said he could not believe that a court would not say that current law is blatant discrimination.

Mr. Shields moved that a copy of the tear sheets be provided to the designee of the independent candidate in any political subdivision.

Senator Stephens said without objection that would be included.

The motion to give S.B. 3 a DO PASS recommendation CARRIED by voice vote.

Ms. Hermon moved H.B. Attorney General Recommendations; voter qualifications; nominating procedures, with a DO PASS recommendation.

Ms. Bitter Smith asked if language is needed to deal with petitions currently being circulated.

Mr. Betts said he assumed that a savings clause would be contained in all of these bills providing that any ongoing process can continue under the current rules.

Senator Stephens said that would be noted.

The motion to adopt the Attorney General Recommendations CARRIED by voice vote.

Campaign Ethics

Senator Pearce submitted the final report of the Campaign Ethics Subcommittee (filed with original minutes).

Senator Pearce moved campaign ethics; enforcement with a DO PASS recommendation.

Mr. Delaney moved a substitute motion to adopt the Arizona Ethics Board proposal (filed with original minutes).

Mr. Delaney explained the language for the Board was taken from old statute for an Arizona Ethics Board created in 1974. The members were never appointed, and it was sunset in 1980. He noted that Senator Pearce's motion concerns a proposal to link the idea of an Ethics Board with the Election Commission, which may be putting two distinct issues together. It is important to create an Ethics Board with the primary focus of education separate from the Election Commission.

Senator Pearce expressed his opposition to Mr. Delaney's proposal, noting it is in conflict with Senator Stephen's amendment on the Election Commission adopted earlier. The proposal does not deal with campaign ethics and confidentiality is not maintained.

Ms. Noland moved a substitute motion to add Sections 38-501 and 38-502, except it would not apply to members of the Legislature.

She indicated this would have the effect of adding statute to place the Legislature under the conflict of interest law.

Amy Wainwright, Senate Majority Counsel, said there would not be a problem in statute of stating that a legislator is subject to certain laws. Those changes can be added to Mr. Delaney's proposal or Senator Pearce's Subcommittee proposal. However, if those are added to either one, it does not mean that legislators are brought under the jurisdiction of an Ethics Board. No Ethics Board in the Executive Branch could discipline a legislator.

Senator Stephens indicated that one proposal deals primarily with campaign ethics to be incorporated with campaign finance, and the other proposal is a separate ethics function that focuses on ethical issues once a person is in office. He suggested that both proposals could be recommended to the Legislature in the special session.

Ms. Noland withdrew her substitute motion.

Mr. Delaney withdrew his substitute motion.

Mr. Goudinoff expressed concern about the problems that could arise due to lines 4-5 on page 3, pertaining to an intentional attempt to mislead the voters regarding a public official's voting history.

Mr. Dioguardi said the same problem occurs on lines 6-8, pertaining to the



issuance of a statement by a candidate that is untrue. He pointed out that the election process should handle these types of situations, not a separate body.

Mr. Betts moved the following verbal amendment to Senator Pearce's bill:  
Page 3, strike lines 4-8

Mr. Betts also noted that line 45 on page 2, should not be under the definition of campaign ethics, but should be a campaign complaint.

Senator Pearce explained that provision serves as a starting point to let the public know they can file a complaint.

Senator Stephens stated that negative campaigning is escalating and attributes to lower voter turnout.

A division was called and the Motion FAILED by a vote of 4-5.

Mr. Vagenas reiterated his concern about the Governor, the Speaker and the President having the responsibility of appointing the members to the Commission.

LaDonna Fields, representing Valley Citizen's League, wanted the record to reflect that a citizen's organization is present at the meeting at the late hour for specifically this topic. She said the League's interest in the issue is that there be a mandatory ethics training program. The Committee has an opportunity to begin to build the expectation that ethical behavior exists and can be improved in government.

The motion to adopt the Campaign Ethics bill CARRIED by voice vote.

Ms. Bitter Smith moved ethics handbook with a DO PASS recommendation and include it with the Ethics Board issue.

Mr. Delaney referred to page 1, line 6, and said it is important to include the universities and board of regents in the provision to publish an ethics handbook. He expressed concern about the possible size and length of the ethics handbooks due to the language mandating what the handbook should include.

Ms. Bitter Smith said part of the ethics instruction could be included in existing personnel manuals to avoid duplication.

The motion CARRIED by voice vote.

Senator Pearce moved that the Senate and House of Representative Rules be published in the volumes containing the Arizona Revised Statutes, just as the court rules are currently, for the purpose of public education.

The motion CARRIED by voice vote.

Mr. Delaney moved the adoption of the Arizona Ethics Board proposal.

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Ms. Noland moved to include the Legislature in the Arizona conflict of interest laws, Section 38-501 and 38-502.

Mr. Betts noted that lines 24-25 on page 3 should be deleted pertaining to the adjudication of complaints since that would be the responsibility of the Election Commission.

Ms. Wainwright indicated that the Arizona Election Commission will have jurisdiction over the behavior of candidates and review violations of campaign finance laws. To that has been added jurisdiction over lobbyists and jurisdiction over any ethical complaints brought before a member of the Executive Branch of State or local government. In addition, The Ethics Board will publish ethics manuals, provide training on ethics and offer advisory opinions. Neither the Ethics Board or the Election Commission would have jurisdiction over the Legislature or the Judicial Branch of government.

Ms. Bitter Smith suggested the following change be made in the Ethics Board proposal in order to remove the responsibility of hearing complaints:

Page 3, strike lines 24-25

Strike page 4

Page 5, strike lines 1-11

Mr. Delaney noted also page 2, lines 10-12, should be deleted. He also suggested the following change:

Page 3, line 27, after "ethics" strike the comma, insert "laws."

Strike the remainder of the line

Strike line 28

Senator Stephens said without objection that change would be made.

The motion to adopt the Arizona Ethics Board CARRIED by voice vote.

The meeting adjourned at 1:05 a.m.

Respectfully submitted,



Janice C. Stell  
Committee Secretary

# ARIZONA STATE LEGISLATURE

## Roll Call Vote for ELECTION REFORM STUDY COMMITTEE

7/12/91

S.B. \_\_\_\_\_ H.B. \_\_\_\_\_ DO PASS \_\_\_\_\_

*Proposed amendment by Steve Bitter replace to 29 page draft amendment to Title 16, Chapter 1* DO PASS AMENDED \_\_\_\_\_  
FAILED ☒

| COMMITTEE MEMBERS        | AYE | NO | NOT VOTING |
|--------------------------|-----|----|------------|
| Senator Peña             |     |    | ✓          |
| Senator Day              |     | ✓  |            |
| Senator Pearce           | ✓   |    |            |
| Representative Hermon    | ✓   |    |            |
| Representative Goudinoff |     | ✓  |            |
| Representative Hanley    |     |    | ✓          |
| Bruce Burke              |     | ✓  |            |
| Tim Delaney              |     | ✓  |            |
| Susan Bitter Smith       | ✓   |    |            |
| Dr. Eugene Hughes        |     |    | ✓          |
| Billy Shields            |     | ✓  |            |
| Steve Betts              | ✓   |    |            |
| Robert Matthews          | ✓   |    |            |
| Mark Dioguardi           | ✓   |    |            |
| Professor Henry Kenski   |     | ✓  |            |
| Representative Noland    | ✓   |    |            |
| Senator Stephens         |     | ✓  | 3          |

TOTAL 7 3

## Election Reform

DATE 9-12-91

TIME \_\_\_\_\_

**Please Print**

BILL NO.

TRISOL NUTRITION COALITION

11 11 11

League of Arizona Cities & Towns

Saguaro Forest Associates

\_\_\_\_\_

Sabine Canyon Coalition

Mr. C. Nichols

## Neoplasms of Cerebrum of Greater TCSm

Highway 100 - 1000 ft. E. of

HEL-CIC

LEAGUE OF WOMEN VOTERS

2244

17 22 ✓

## Common Cause

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Valley Citizen League

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**APPENDIX B**

**DRAFT LEGISLATION**

**LOBBYIST REGISTRATION AND  
FINANCIAL DISCLOSURE**

ELECTION REFORM STUDY COMMITTEE  
LEGISLATIVE PROPOSAL FOR LOBBYIST REGISTRATION

AN ACT

AMENDING SECTIONS 41-1231, 41-1232, 41-1232.01 AND 41-1239, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 7, ARTICLE 8.1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-1232.02, 41-1232.03, 41-1233.01, 41-1234.01 AND 41-1237.01; RELATING TO LOBBYISTS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-1231, Arizona Revised Statutes, is amended to read:

41-1231. Definitions

In this article, unless the context otherwise requires:

1. "AUTHORIZED LOBBYIST" MEANS THE LOBBYIST WHO IS DESIGNATED BY A PRINCIPAL IN THE PRINCIPAL'S REGISTRATION AS ITS AUTHORIZED LOBBYIST.

2. "AUTHORIZED PUBLIC LOBBYIST" MEANS THE PUBLIC LOBBYIST WHO IS DESIGNATED BY A PUBLIC BODY IN THE PUBLIC BODY'S REGISTRATION AS ITS AUTHORIZED PUBLIC LOBBYIST.

~~1-~~ 3. "Expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure.

4. "GIFT" MEANS A PAYMENT, DISTRIBUTION, ADVANCE, DEPOSIT OR DONATION OF MONEY OR ANY KIND OF TANGIBLE PERSONAL OR REAL PROPERTY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR PURPOSES OF THIS CHAPTER GIFT EXPRESSLY DOES NOT INCLUDE:

a) A GIFT, DEVISE OR INHERITANCE FROM AN INDIVIDUAL'S SPOUSE, CHILD, PARENT, GRANDPARENT, GRANDCHILD, BROTHER, SISTER, PARENT-IN-LAW, BROTHER-IN-LAW, SISTER-IN-LAW, NEPHEW, NIECE, AUNT, UNCLE OR FIRST COUSIN OR THE SPOUSE OF ANY SUCH INDIVIDUAL, IF THE DONOR IS NOT ACTING AS THE AGENT OR INTERMEDIARY FOR SOMEONE OTHER THAN A PERSON COVERED BY THIS PARAGRAPH.

b) THE VALUE, COST OR PRICE OF MEALS, TRAVEL, ENTERTAINMENT OR LODGING WHICH IS EITHER PROPERLY REPORTED OR EXEMPT FROM REPORTING UNDER THIS CHAPTER.

c) SALARY, COMPENSATION, OR EMPLOYER REIMBURSED EXPENSES LAWFULLY PAID TO ANY PUBLIC OFFICIAL.

d) THE VALUE, COST OR PRICE OF PROFESSIONAL OR CONSULTING SERVICES NOT RENDERED TO OBTAIN A BENEFIT FOR ANY REGISTERED PRINCIPAL OR LOBBYIST, OR THEIR CLIENTS.

e) EXPENSES RELATING TO A SPECIAL EVENT OR FUNCTION TO WHICH ALL MEMBERS OF THE LEGISLATURE, EITHER HOUSE THEREOF OR ANY COMMITTEE THEREOF ARE INVITED.

f) INFORMATIONAL MATERIAL SUCH AS BOOKS, REPORTS, PAMPHLETS, CALENDARS OR PERIODICALS.

1 g) AN ITEM THAT IS NOT USED AND THAT IS RETURNED WITHIN  
2 FIFTEEN DAYS OF RECEIPT TO THE DONOR OR DELIVERED WITHIN FIFTEEN  
3 DAYS OF RECEIPT TO A CHARITABLE ORGANIZATION AND IS NOT CLAIMED AS  
4 A CHARITABLE CONTRIBUTION FOR STATE OR FEDERAL INCOME TAX PURPOSES.

5 h) A CAMPAIGN CONTRIBUTION PROPERLY RECEIVED AND REPORTED  
6 AS REQUIRED BY LAW.

7 5. "FAMILY GIFT" MEANS A GIFT TO A STATE OFFICER OR EMPLOYEE  
8 OR MEMBER OF HIS OR HER HOUSEHOLD FROM A PRINCIPAL OR LOBBYIST WHO  
9 IS A RELATIVE OF THE STATE OFFICER OR EMPLOYEE OR A MEMBER OF THE  
10 HOUSEHOLD OF THE STATE OFFICER OR EMPLOYEE.

11 ~~3-~~ 6. "Legislation" means bills, resolutions, memorials,  
12 amendments, nominations and other matters pending or proposed in  
13 either house of the legislature of this state OR PENDING EXECUTIVE  
14 APPROVAL OR VETO.

15 7. "LOBBIES", "LOBBY" AND "LOBBYING" MEANS ATTEMPTING TO  
16 INFLUENCE THE PASSAGE OR DEFEAT OF ANY STATE LEGISLATION BY  
17 COMMUNICATING WITH ANY LEGISLATOR, AND IN THE CASE OF A LOBBYIST,  
18 ATTEMPTING TO INFLUENCE ANY OFFICIAL ACTION BY COMMUNICATING WITH  
19 ANY STATE OFFICER OR EMPLOYEE. THE TERMS LOBBIES, LOBBY AND  
20 LOBBYING DO NOT INCLUDE COMMUNICATIONS THAT OCCUR AT THE INITIATION  
21 OF A LEGISLATOR.

22 ~~4-~~ 8. "Lobbyist" means any person OTHER THAN A PUBLIC  
23 LOBBYIST employed BY, retained BY or representing a person other  
24 than himself, with or without compensation, for the purpose of  
25 ~~attempting to influence the passage or defeat of any STATE~~  
26 ~~legislation by communicating or attempting to communicate with any~~  
27 ~~legislator, or for the purpose of attempting to influence any~~  
28 ~~official action by communicating or attempting to communicate with~~  
29 ~~any state officer or member of any state agency, board, commission~~  
30 ~~or council~~ LOBBYING.

31 9. "LOBBYIST FOR COMPENSATION" MEANS A LOBBYIST WHO RECEIVES  
32 COMPENSATION FOR LOBBYING ON BEHALF OF A PRINCIPAL.

33 10. "NATURAL PERSON" MEANS AN INDIVIDUAL HUMAN BEING AS  
34 DISTINGUISHED IN LAW FROM AN ARTIFICIAL PERSON.

35 11. "Official action" means the action or non action of any  
36 state officer, agency, board, commission or council, OR ANY  
37 EMPLOYEE THEREOF WITH AUTHORITY OVER POLICY MATTERS when such  
38 action or non action involves a rule, regulation or rate making  
39 proceeding or any other policy matters.

40 ~~6-~~ 12. "Person" means an individual, partnership,  
41 committee, association, corporation and any other organization or  
42 group of persons, except legislators AND POLITICAL PARTIES  
43 QUALIFIED FOR REPRESENTATION ON THE BALLOT PURSUANT TO EITHER  
44 SECTION 16-801 OR SECTION 16-804.

45 13. "PERSONAL HOSPITALITY" MEANS HOSPITALITY, MEALS,  
46 BEVERAGES, TRANSPORTATION OR LODGING FURNISHED BUT NOT COMMERCIALY  
47 PROVIDED BY A PERSON ON PROPERTY OR FACILITIES OWNED OR POSSESSED  
48 BY THE PERSON OR HIS FAMILY.

49 ~~7-~~ 14. "Policy matters" means any FORMAL action, POLICY  
50 INTERPRETATION OR GUIDELINE, OR THE PROPOSAL, DEVELOPMENT, OR  
51 CONSIDERATION THEREOF that affects the gen ral public or any class  
52 of persons within the general public, but shall not include any

1 action that only affects:

2 (a) An individual person; or

3 (b) Parties in a formal adjudicatory proceeding OR QUASI  
4 JUDICIAL PROCEEDING.

5 ~~10-~~ 15. "Principal" means any person OTHER THAN THE STATE,  
6 A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF  
7 REGENTS, ANY STATE AGENCY, BOARD, COMMISSION OR COUNCIL, OR A  
8 COUNTY, CITY, TOWN, DISTRICT OR OTHER POLITICAL SUBDIVISION OF THIS  
9 STATE who EMPLOYS, RETAINS, engages, OR USES, WITH OR WITHOUT  
10 COMPENSATION, ~~any~~ A lobbyist.

11 16. "PUBLIC BODY" MEANS A UNIVERSITY UNDER THE JURISDICTION  
12 OF THE ARIZONA BOARD OF REGENTS, ANY STATE AGENCY, BOARD,  
13 COMMISSION OR COUNCIL, OR A COUNTY, CITY, TOWN, DISTRICT OR OTHER  
14 POLITICAL SUBDIVISION OF THIS STATE THAT EMPLOYS, RETAINS, ENGAGES  
15 OR USES, WITH OR WITHOUT COMPENSATION, A PUBLIC LOBBYIST.

16 17. "PUBLIC LOBBYIST" MEANS ANY NATURAL PERSON EMPLOYED BY,  
17 RETAINED BY OR REPRESENTING A UNIVERSITY UNDER THE JURISDICTION OF  
18 THE ARIZONA BOARD OF REGENTS, ANY STATE AGENCY, BOARD, COMMISSION  
19 OR COUNCIL, OR A COUNTY, CITY, TOWN, DISTRICT OR OTHER POLITICAL  
20 SUBDIVISION OF THIS STATE, WITH OR WITHOUT COMPENSATION, FOR THE  
21 PURPOSE OF LOBBYING, INCLUDING AN AUTHORIZED PUBLIC LOBBYIST.

22 16. "PUBLIC OFFICIAL" MEANS ANY PERSON DULY ELECTED TO A  
23 STATE, COUNTY OR LOCAL OFFICE.

24 17. "SINGLE EXPENDITURE" MEANS ANY EXPENDITURE THAT PROVIDES  
25 A BENEFIT OF MORE THAN TEN DOLLARS TO ANY INDIVIDUAL STATE OFFICER  
26 OR STATE EMPLOYEE AND IS INCURRED BY OR ON BEHALF OF ONE OR MORE  
27 PRINCIPALS, PUBLIC BODIES, LOBBYISTS OR PUBLIC LOBBYISTS.

28 18. "STATE EMPLOYEE" MEANS AN EMPLOYEE OF THE STATE  
29 LEGISLATURE, A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA  
30 BOARD OF REGENTS, OR ANY STATE OFFICE, AGENCY, BOARD, COMMISSION  
31 OR COUNCIL.

32 19. "STATE OFFICER" MEANS ANY PERSON DULY ELECTED OR  
33 APPOINTED TO ANY STATE OFFICE, OR A MEMBER OF ANY STATE BOARD,  
34 COMMISSION OR COUNCIL, AND INCLUDES A MEMBER OF THE LEGISLATURE.

35  
36 Sec. 2. Section 41-1232, Arizona Revised Statutes, is amended  
37 to read:

38 41-1232. Registration; fee; report; gifts;  
39 contributions; availability and report of  
40 information

41 A. "EXCEPT AS PROVIDED IN SUBSECTION C, BEFORE ANY PRINCIPAL  
42 CAUSES ANY LOBBYING TO OCCUR ON ITS BEHALF, ~~attempts to influence~~  
43 ~~any official action the principal engaging the lobbyist shall file~~  
44 REGISTER with the secretary of state BY FILING a written statement,  
45 subscribed under oath, containing the following information:

46 1. Name and business address of the principal.

47 2. THE NAME AND BUSINESS ADDRESS OF A PERSON WHO IS THE  
48 AUTHORIZED LOBBYIST FOR THE PRINCIPAL, REGARDLESS OF WHETHER SUCH  
49 PERSON IS ENGAGED TO LOBBY FOR COMPENSATION.

50 3. Name and business address of any lobbyist engaged TO  
51 LOBBY FOR COMPENSATION by the principal, including any employee of  
52 a lobbyist if such employee acts as a lobbyist.



1       ~~4. The major types of issues for which the principal engages~~  
2 ~~any lobbyist.~~

3       5. THE NATURE OF THE PRIMARY BUSINESS OR ACTIVITY, ISSUE,  
4 INTEREST OR PURPOSE OF THE PRINCIPAL.

5       6. The duration of the engagement of any lobbyist.

6       7. A description of the expenses for which each lobbyist is  
7 to be reimbursed by the principal.

8       7. THE STATE ENTITIES THE LOBBYIST HAS BEEN ENGAGED OR  
9 AUTHORIZED TO LOBBY INCLUDING THE LEGISLATURE AND STATE AGENCIES,  
10 BOARDS, COMMISSIONS OR COUNCILS.

11       ~~B. Separate or supplemental reports shall be filed for each~~  
12 ~~calendar quarter on or before the fortieth day following such~~  
13 ~~quarter to cover any additional activities or lobbyists engaged by~~  
14 ~~the principal.~~

15       B. EXCEPT AS PROVIDED IN SUBSECTION C, BEFORE ANY PUBLIC  
16 BODY CAUSES ANY LOBBYING TO OCCUR ON ITS BEHALF, THE PUBLIC BODY  
17 SHALL REGISTER WITH THE SECRETARY OF STATE BY FILING A WRITTEN  
18 STATEMENT, SUBSCRIBED UNDER OATH, CONTAINING THE FOLLOWING  
19 INFORMATION:

20       1. NAME AND BUSINESS ADDRESS OF THE PUBLIC BODY.

21       2. NAME AND BUSINESS ADDRESS OF A PERSON WHO IS THE  
22 AUTHORIZED PUBLIC LOBBYIST FOR THE PUBLIC BODY, REGARDLESS OF  
23 WHETHER SUCH PERSON IS ENGAGED TO LOBBY FOR COMPENSATION.

24       3. NAME AND BUSINESS ADDRESS OF ANY PUBLIC LOBBYIST ENGAGED  
25 BY THE PUBLIC BODY.

26       4. A DESCRIPTION OF THE EXPENSES FOR WHICH THE PUBLIC  
27 LOBBYIST IS TO BE REIMBURSED BY THE PUBLIC BODY.

28       C. IF A REGISTRATION AS REQUIRED BY SUBSECTIONS A OR B CANNOT  
29 BE ACCOMPLISHED OR IS NOT PRACTICABLE IN ADVANCE OF THE FIRST  
30 ATTEMPT OR OCCASION TO LOBBY, THEN REGISTRATION MUST OCCUR WITHIN  
31 FIVE DAYS AFTER THE DAY ON WHICH THE FIRST LOBBYING ATTEMPT,  
32 OCCASION OR ACTIVITY OCCURS.

33       ~~E. D. Each principal AND PUBLIC BODY SHALL RE-REGISTER so~~  
34 ~~registering shall again biennially register during JANUARY of each~~  
35 ~~even-numbered year and shall submit at that time any changes or~~  
36 ~~additional or new information as required by subsection~~  
37 ~~SUBSECTIONS A OR B OF THIS SECTION unless at that time he no longer~~  
38 ~~engages any lobbyist. EACH LOBBYIST FOR COMPENSATION, AUTHORIZED~~  
39 ~~LOBBYIST OR PUBLIC LOBBYIST LISTED ON A REGISTRATION STATEMENT WHO~~  
40 ~~IS NOT A NATURAL PERSON SHALL FILE AND MAINTAIN IN CURRENT~~  
41 ~~CONDITION WITH THE SECRETARY OF STATE AN IDENTIFICATION LIST OF ALL~~  
42 ~~EMPLOYEES OR OTHER PERSONS WHO MAY LOBBY FOR THE LOBBYIST.~~

43       E. A PRINCIPAL OR PUBLIC BODY SHALL PROVIDE A DUPLICATE COPY  
44 OF THE WRITTEN REGISTRATION STATEMENT AND WRITTEN RE-REGISTRATION  
45 STATEMENT TO EACH LOBBYIST OR PUBLIC LOBBYIST WHO IS NAMED IN THE  
46 STATEMENT.

47       F. FROM AND AFTER JANUARY 1, 1992 EACH PRINCIPAL OR PUBLIC  
48 BODY WHO REGISTERS A LOBBYIST OR PUBLIC LOBBYIST WHO RECEIVES  
49 COMPENSATION FOR LOBBYING FROM THE PRINCIPAL OR PUBLIC BODY SHALL,  
50 AT THE TIME OF REGISTERING OR RE-REGISTERING, PAY A REGISTRATION  
51 OR RE-REGISTRATION FEE OF TWENTY-FIVE DOLLARS TO THE SECRETARY OF  
52 STATE. NO PRINCIPAL OR PUBLIC BODY SHALL BE CHARGED MORE THAN ONE

1 TWENTY-FIVE DOLLAR FEE PER REGISTRATION PERIOD. REGISTRATION AND  
2 RE-REGISTRATION FEES FOR PRINCIPALS OR PUBLIC BODIES SHALL BE USED  
3 BY THE SECRETARY OF STATE TO SUPPLEMENT THE COSTS ASSOCIATED WITH  
4 ENFORCING THE LOBBYIST REGISTRATION LAWS.

5 F. ~~Each such principal so registered at any time during the~~  
6 ~~calendar year shall, annually during the month of January, file~~  
7 ~~with the secretary of state a written report covering the preceding~~  
8 ~~calendar year and setting forth:~~

9 G. EXCEPT AS PROVIDED IN THIS SECTION, EACH PRINCIPAL OR  
10 PUBLIC BODY SHALL REPORT ANNUALLY ALL SINGLE EXPENDITURES. SUCH  
11 EXPENDITURES SHALL BE ITEMIZED SEPARATELY AND EACH ITEMIZATION  
12 SHALL INCLUDE THE DATE OF THE EXPENDITURE, THE AMOUNT OF THE  
13 EXPENDITURE, THE NAME OF EACH STATE OFFICER OR EMPLOYEE RECEIVING  
14 OR TO BE BENEFITTED BY THE EXPENDITURE, THE NATURE OF THE  
15 EXPENDITURE, AND THE NAME OF THE DESIGNATED LOBBYIST OR OTHER  
16 PERSON WHO MADE THE EXPENDITURE ON BEHALF OF THE PRINCIPAL OR  
17 PUBLIC BODY. IN ADDITION, EACH PRINCIPAL OR PUBLIC BODY SHALL  
18 REPORT ANNUALLY THE AGGREGATE OF ALL EXPENDITURES OF \$10.00 OR LESS  
19 RECEIVED BY OR BENEFITTING A STATE OFFICER OR EMPLOYEE. THE REPORT  
20 SHALL LIST THE ANNUAL EXPENDITURES MADE ON BEHALF OF THE PRINCIPAL  
21 OR PUBLIC BODY.

22 1. THE REPORT SHALL IDENTIFY THE NATURE OF EACH SINGLE  
23 EXPENDITURE ACCORDING TO THE FOLLOWING CATEGORIES:

- 24 (a) MEALS AND BEVERAGES.  
25 (b) ENTERTAINMENT.  
26 (c) TRAVEL AND LODGING.  
27 (d) GIFTS TO STATE OFFICERS OR EMPLOYEES OR THEIR IMMEDIATE  
28 FAMILIES.  
29 (e) OTHER EXPENDITURES.

30 1. 2. ~~The total of all expenditures incurred by or on~~  
31 ~~behalf of the principal in the course of attempting to influence~~  
32 ~~the passage or defeat of any legislation or to influence the~~  
33 ~~official action of any state officer, agency, board, commission or~~  
34 ~~council. Expenditures such as those for THE LOBBYIST'S OR PUBLIC~~  
35 ~~LOBBYIST'S personal sustenance, office expenses, filing fees, legal~~  
36 ~~fees, employees, compensation to lobbyists, lodging and travel need~~  
37 ~~not be reported. IN ADDITION, EXPENDITURES FOR FAMILY GIFTS,~~  
38 ~~PERSONAL HOSPITALITY, PREPARATION OR DISTRIBUTION OF INFORMATION,~~  
39 ~~AND MATERIALS, CAMPAIGN CONTRIBUTIONS, AND PROFESSIONAL OR~~  
40 ~~CONSULTING SERVICES NOT ON BEHALF OF A REGISTERED PRINCIPAL, PUBLIC~~  
41 ~~BODY, LOBBYIST OR PUBLIC LOBBYIST NOT RENDERED PRIMARILY FOR THE~~  
42 ~~PERSONAL PECUNIARY BENEFIT OF THE STATE OFFICER OR EMPLOYEE NEED~~  
43 ~~NOT BE REPORTED. Expenditures for entertainment or other expenses~~  
44 ~~incurred in the personal contact with any legislator, any state~~  
45 ~~officer or any member of any state agency, board, commission or~~  
46 ~~council shall be reported, provided such expenditures were made~~  
47 ~~in the course of attempting to influence the passage or defeat of~~  
48 ~~any legislation or, in the course of attempting to influence the~~  
49 ~~official action of any state officer or any state agency, board,~~  
50 ~~commission or council.~~

51 2. ~~Any single expenditure required to be reported pursuant~~  
52 ~~to paragraph 1 of this subsection in excess of twenty five dollars,~~

1 identified by date, amount and the name of any legislator, public  
2 officer or public employee receiving, or to be benefited by, such  
3 expenditure.

4 3. All expenses in the case of special events for  
5 legislators, including parties, dinners, athletic events,  
6 entertainment and other functions to which all members of the  
7 legislature, either house thereof or any committee thereof are  
8 invited. Expenses need not be allocated to individual legislators,  
9 but for each such event A DESCRIPTION OF THE EVENT, the date,  
10 location, name of the legislative body invited and total expenses.  
11 incurred shall be reported.

12 ~~G. Supplemental reports shall be filed on or before the~~  
13 ~~tenth day of the following month to list any single expenditure in~~  
14 ~~excess of twenty five dollars occurring during the month and which~~  
15 ~~must be reported pursuant to this section.~~

16 H. EXCEPT AS PROVIDED IN THIS SECTION, EACH LOBBYIST FOR  
17 COMPENSATION, AUTHORIZED LOBBYIST AND PUBLIC LOBBYIST SHALL REPORT  
18 QUARTERLY ALL SINGLE EXPENDITURES INCURRED IN THE PRECEDING  
19 CALENDAR QUARTER BY THE LOBBYIST FOR COMPENSATION, AUTHORIZED  
20 LOBBYIST OR PUBLIC LOBBYIST. SUCH EXPENDITURES SHALL BE ITEMIZED  
21 SEPARATELY AND EACH ITEMIZATION SHALL INCLUDE THE DATE OF THE  
22 EXPENDITURE, THE AMOUNT OF THE EXPENDITURE, THE NAME OF THE STATE  
23 OFFICER OR EMPLOYEE RECEIVING OR BENEFITTING FROM THE EXPENDITURE,  
24 THE NATURE OF THE EXPENDITURE, AND THE PRINCIPAL OR PUBLIC BODY ON  
25 WHOSE BEHALF THE EXPENDITURE WAS MADE. IF THE EXPENDITURE WAS MADE  
26 BY THE LOBBYIST OR PUBLIC LOBBYIST AND WAS NOT MADE ON BEHALF OF  
27 A PRINCIPAL OR PUBLIC BODY, IT SHALL BE ITEMIZED SEPARATELY AS  
28 REQUIRED BY THE QUARTERLY REPORT FORM. IN ADDITION, EACH LOBBYIST  
29 FOR COMPENSATION, AUTHORIZED LOBBYIST OR PUBLIC LOBBYIST SHALL  
30 REPORT IN EACH CALENDAR QUARTER THE AGGREGATE OF ALL EXPENDITURES  
31 OF TEN DOLLARS OR LESS THAT WERE RECEIVED BY OR BENEFITTED A STATE  
32 OFFICER OR EMPLOYEE. THE REPORT SHALL LIST SEPARATELY THE  
33 AGGREGATE OF EXPENDITURES MADE ON BEHALF OF EACH PRINCIPAL OR  
34 PUBLIC BODY AND THE AGGREGATE NOT ON BEHALF OF ANY PRINCIPAL OR  
35 PUBLIC BODY. IN THE FOURTH CALENDAR QUARTER, THESE EXPENDITURES  
36 SHALL ALSO BE LISTED BY CUMULATIVE TOTAL FOR THE CALENDAR YEAR.  
37 EXPENDITURES FOR THE LOBBYIST'S PERSONAL SUSTENANCE, FAMILY GIFTS,  
38 PERSONAL HOSPITALITY, PREPARATION OR DISTRIBUTION OF INFORMATION  
39 AND MATERIALS, CAMPAIGN CONTRIBUTIONS, PROFESSIONAL OR CONSULTING  
40 SERVICES NOT ON BEHALF OF A REGISTERED PRINCIPAL, PUBLIC BODY,  
41 LOBBYIST FOR COMPENSATION, AUTHORIZED LOBBYIST OR PUBLIC LOBBYIST  
42 AND NOT RENDERED PRIMARILY FOR THE BENEFIT OF A STATE OFFICE OR  
43 EMPLOYEE, OFFICE EXPENSES, FILING FEES, LEGAL FEES, EMPLOYEES,  
44 COMPENSATION, LODGING AND TRAVEL NEED NOT BE REPORTED. EACH  
45 QUARTERLY LOBBYIST REPORT SHALL INCLUDE ALL REPORTABLE EXPENDITURES  
46 MADE BY ANY EMPLOYEE OF THE LOBBYIST FOR COMPENSATION, AUTHORIZED  
47 LOBBYIST OR PUBLIC LOBBYIST, REGARDLESS OF WHETHER SUCH EMPLOYEE  
48 IS LISTED AS A LOBBYIST OR PUBLIC LOBBYIST OR ANY REGISTRATION  
49 FILED BY A PRINCIPAL OR PUBLIC BODY ENGAGING THE LOBBYIST OR PUBLIC  
50 LOBBYIST. THE QUARTERLY REPORT SHALL BE FILED NO LATER THAN THE  
51 LAST DAY OF THE MONTH FOLLOWING THE END OF THE CALENDAR QUARTER.

52 ~~I. The provisions of this section do not apply to:~~

1       1. ~~Any person who merely appears for himself before a~~  
2 ~~committee of the legislature or before any state officer or any~~  
3 ~~state agency, board, commission or council to testify in support~~  
4 ~~of or in opposition to legislation or official action.~~

5       2. ~~Any duly elected or appointed public official acting in~~  
6 ~~his official capacity and acting on matters pertaining to his~~  
7 ~~public office.~~

8       3. ~~Any person performing professional services in drafting~~  
9 ~~bills or in advising and rendering opinions to clients as to the~~  
10 ~~construction and effect of proposed or pending legislation.~~

11       4. ~~Attorneys representing clients before any court or before~~  
12 ~~any quasi judicial body.~~

13       5. ~~Any person contacting any legislator, state officer or~~  
14 ~~member of any state agency, board, commission or council solely for~~  
15 ~~the purposes of acquiring information.~~

16       6. ~~Any meetings of national or regional councils,~~  
17 ~~conferences or associations to which legislators, state officers~~  
18 ~~or members of any state agency, board, commission or council in~~  
19 ~~addition to those from this state are invited.~~

20       F. I. All information required to be filed pursuant to this  
21 section with the secretary of state shall be filed in such office  
22 and preserved by the secretary of state for five years from the  
23 date of filing, after which period of time the information shall  
24 be destroyed. Such information shall be public information and  
25 open to public inspection.

26       J. A PERSON OR ORGANIZATION SHALL NOT MAKE A GIFT TO OR  
27 EXPENDITURE ON A STATE OFFICER OR EMPLOYEE THROUGH ANOTHER PERSON  
28 OR ORGANIZATION FOR THE PURPOSE OF DISGUIISING THE IDENTITY OF THE  
29 PERSON MAKING THE GIFT OR EXPENDITURE.

30       K. A PRINCIPAL, PUBLIC BODY, LOBBYIST OR PUBLIC LOBBYIST  
31 SHALL NOT GIVE TO ANY STATE OFFICER OR EMPLOYEE GIFTS WITH A TOTAL  
32 VALUE OF \$100.00 OR MORE DURING ANY CALENDAR YEAR.

33  
34       Sec. 3. Section 41-1232.01, Arizona Revised Statutes, is  
35 amended to read:

36       41-1232.01.       Itemized notice to public officers or  
37 public employees; certain gifts and  
38 expenditures

39       A PRINCIPAL, PUBLIC BODY, lobbyist OR PUBLIC LOBBYIST who  
40 bestows GIVES a gift upon or makes an expenditure on behalf of TO  
41 a public STATE officer OR EMPLOYEE of any member of his THEIR  
42 household AS DEFINED IN SECTION 38-541 which exceeds five hundred  
43 TEN dollars in value shall provide an itemized accounting of the  
44 gift or expenditure to the public STATE officer OR EMPLOYEE within  
45 thirty TEN days of the time that the gift or, item or service for  
46 which the expenditure was made is presented to the public STATE  
47 officer or STATE EMPLOYEE OR a member of his THEIR household.  
48 Political campaign contributions shall not be construed as gifts  
49 and shall be publicly reported as political campaign contributions  
50 by the public STATE officer as required by law.

51  
52       Sec. 4. Title 41, chapter 7, article 8.1, Arizona Revised

1 Statutes is amended by adding Section 41-1231.01 to read:

2 41-1232.02. Registration; exceptions

3 THE PROVISIONS OF SECTION 41-1232 DO NOT APPLY TO A PERSON WHEN  
4 THAT PERSON IS ACTING IN THE FOLLOWING CAPACITY:

5 1) ANY PERSON WHO MERELY APPEARS FOR HIMSELF BEFORE A  
6 COMMITTEE OF THE LEGISLATURE OR BEFORE ANY STATE OFFICER OR  
7 EMPLOYEE OR ANY STATE AGENCY, BOARD, COMMISSION OR COUNCIL TO  
8 TESTIFY IN SUPPORT OF OR IN OPPOSITION TO LEGISLATION OR OFFICIAL  
9 ACTION.

10 2) ANY PERSON WHO, ACTING IN HIS OWN BEHALF, SENDS A LETTER  
11 TO, CONVERSES ON THE TELEPHONE WITH OR HAS A PERSONAL CONVERSATION  
12 WITH ANY STATE OFFICER OR EMPLOYEE FOR THE PURPOSE OF SUPPORTING  
13 OR OPPOSING ANY LEGISLATION OR OFFICIAL ACTION.

14 3) ANY DULY ELECTED PUBLIC OFFICIAL OR ANY APPOINTED MEMBER  
15 OF A STATE, COUNTY OR LOCAL BOARD, COMMISSION OR COUNCIL ACTING IN  
16 HIS OFFICIAL CAPACITY ON MATTERS PERTAINING TO HIS OFFICE, BOARD,  
17 COMMISSION OR COUNCIL.

18 4) AN EXPERT OR EXPERT WITNESS WHO OCCASIONALLY ANSWERS  
19 TECHNICAL QUESTIONS OR PROVIDES TECHNICAL INFORMATION PROVIDED SUCH  
20 EXPERT OR EXPERT WITNESS IS INTRODUCED OR IDENTIFIED BY A  
21 REGISTERED LOBBYIST OR PUBLIC OFFICIAL AND SUCH EXPERT OR EXPERT  
22 WITNESS MAKES NO EXPENDITURE REQUIRED TO BE REPORTED BY THIS  
23 ARTICLE.

24 5) ANY PERSON PERFORMING PROFESSIONAL SERVICES IN DRAFTING  
25 BILLS OR IN ADVISING AND RENDERING OPINIONS TO CLIENTS AS TO THE  
26 CONSTRUCTION AND EFFECT OF PROPOSED OR PENDING LEGISLATION.

27 6) ATTORNEYS REPRESENTING CLIENTS BEFORE ANY COURT OR BEFORE  
28 ANY QUASI-JUDICIAL BODY.

29 7) ANY PERSON CONTACTING ANY STATE OFFICER OR STATE EMPLOYEE  
30 SOLELY FOR THE PURPOSE OF ACQUIRING INFORMATION.

31 8) ANY PERSON WHO CONTACTS A PUBLIC OFFICIAL IN CONNECTION  
32 WITH THE PROCUREMENT OR ATTEMPTED PROCUREMENT OF MATERIALS,  
33 SERVICES, OR CONSTRUCTION, PROVIDED THAT ANY CONTRACT IS AWARDED  
34 THROUGH A COMPETITIVE BID PROCESS COVERED BY THE ARIZONA  
35 PROCUREMENT CODE.

36  
37 Sec. 5. Title 41, chapter 7, article 8.1, Arizona Revised  
38 Statutes, is amended by adding section 41-1232.02 to read:

39 41-1232.03. Lobbyist registration; handbook; requirement

40 A. FROM AND AFTER JANUARY 1, 1992 ANNUALLY DURING THE MONTH  
41 OF JANUARY A PERSON WHO IS LISTED BY A PRINCIPAL OR PUBLIC BODY ON  
42 A REGISTRATION FORM PURSUANT TO SECTION 41-1232 AS A LOBBYIST FOR  
43 COMPENSATION, AUTHORIZED LOBBYIST OR PUBLIC LOBBYIST SHALL FILE A  
44 LOBBYIST REGISTRATION FORM WITH THE SECRETARY OF STATE AND SHALL  
45 BE REQUIRED TO READ A HANDBOOK CONTAINING STATUTES AND RULES  
46 GOVERNING LOBBYISTS FOR COMPENSATION, AUTHORIZED LOBBYISTS AND  
47 PUBLIC LOBBYISTS, WRITTEN GUIDELINES, AND FORMS AND SAMPLES FOR  
48 COMPLETING THE LOBBYIST DISCLOSURE FORMS. THE LOBBYIST HANDBOOK  
49 SHALL BE WRITTEN AND PRESCRIBED BY THE SECRETARY OF STATE. ANY  
50 PERSON WHO IS ORIGINALLY LISTED AS A LOBBYIST FOR COMPENSATION,  
51 AUTHORIZED LOBBYIST OR PUBLIC LOBBYIST IN A MONTH OTHER THAN  
52 JANUARY SHALL, DURING THAT MONTH, FILE A REGISTRATION FORM AND

1 SHALL ANNUALLY THEREAFTER FILE A REGISTRATION FROM DURING JANUARY  
2 IF HE CONTINUES TO BE LISTED AS A LOBBYIST FOR COMPENSATION,  
3 AUTHORIZED LOBBYIST OR PUBLIC LOBBYIST.

4 B. THE LOBBYIST REGISTRATION FORM SHALL INCLUDE:

5 1. NAME OF THE LOBBYIST FOR COMPENSATION, AUTHORIZED LOBBYIST  
6 OR PUBLIC LOBBYIST.

7 2. BUSINESS NAME AND ADDRESS OF THE LOBBYIST FOR  
8 COMPENSATION, AUTHORIZED LOBBYIST OR PUBLIC LOBBYIST.

9 3. A STATEMENT THAT THE LOBBYIST FOR COMPENSATION, AUTHORIZED  
10 LOBBYIST OR PUBLIC LOBBYIST HAS READ AND UNDERSTANDS THE LOBBYIST  
11 HANDBOOK PRESCRIBED IN SUBSECTION A OF THIS SECTION.  
12

13 Sec. 6. Title 41, chapter 7, article 8.1, Arizona Revised  
14 Statutes, is amended by adding section 41-1233.01, to read:

15 41-1233.01. Former legislator; prohibited acts

16 A PERSON WHO IS A FORMER MEMBER OF THE SENATE OR HOUSE OF  
17 REPRESENTATIVES SHALL NOT REPRESENT A PRINCIPAL OR PUBLIC BODY FOR  
18 COMPENSATION BEFORE THE SENATE OR HOUSE OF REPRESENTATIVES WITHIN  
19 ONE YEAR AFTER THE PERSON CEASES TO BE A MEMBER OF THE SENATE OR  
20 HOUSE OF REPRESENTATIVES.  
21

22 Sec. 7. Title 41, chapter 7, article 8.1, Arizona Revised  
23 Statutes, is amended by adding section 41-1234.01, to read:

24 41-1234.01. Contributions prohibited during session;  
25 exceptions

26 A. NO PRINCIPAL, PUBLIC BODY, LOBBYIST OR PUBLIC LOBBYIST  
27 SHALL MAKE A CAMPAIGN CONTRIBUTION TO OR SOLICIT CAMPAIGN  
28 CONTRIBUTIONS FOR:

29 1. ANY MEMBER OF THE STATE LEGISLATURE, DURING ANY TIME WHEN  
30 THE LEGISLATURE IS IN REGULAR SESSION.

31 2. THE GOVERNOR WHEN THE LEGISLATURE IS IN SESSION OR WHEN  
32 LEGISLATION IS PENDING EXECUTIVE APPROVAL OR VETO.

33 B. SUBSECTION A OF THIS SECTION ONLY PROHIBITS CAMPAIGN  
34 CONTRIBUTIONS BY PRINCIPALS OR PUBLIC BODIES OR LOBBYISTS OR PUBLIC  
35 LOBBYISTS AND THE SOLICITATION OF CAMPAIGN CONTRIBUTIONS BY  
36 PRINCIPALS OR LOBBYISTS DURING ANY TIME THAT THE LEGISLATURE IS IN  
37 REGULAR SESSION BUT SHALL NOT PROHIBIT PRINCIPALS OR LOBBYISTS FROM  
38 RAISING FUNDS FOR ANY OTHER PURPOSE DURING THE REGULAR SESSION OF  
39 THE LEGISLATURE.  
40

41 Sec. 8. Title 41, chapter 7, article 8.1, Arizona Revised  
42 Statutes, is amended by adding section 41-1237.01, to read:

43 41-1237.01. Compliance orders; injunctive relief;  
44 civil penalties

45 A. IF THE SECRETARY OF STATE HAS REASONABLE CAUSE TO BELIEVE  
46 THAT A PERSON IS VIOLATING ANY PROVISION OF THIS ARTICLE, THE  
47 SECRETARY OF STATE SHALL NOTIFY THE ATTORNEY GENERAL AND THE  
48 ATTORNEY GENERAL MAY SERVE UPON THE PERSON AN ORDER REQUIRING  
49 COMPLIANCE WITH SUCH PROVISION. THE ORDER SHALL STATE WITH  
50 REASONABLE PARTICULARITY THE NATURE OF THE VIOLATION AND SHALL  
51 REQUIRE COMPLIANCE WITHIN TWENTY DAYS FROM THE DATE OF ISSUANCE OF  
52 THE ORDER. THE ALLEGED VIOLATOR HAS TWENTY DAYS FROM THE DATE OF

1 ISSUANCE OF THE ORDER TO REQUEST A HEARING PURSUANT TO TITLE 41,  
2 CHAPTER 6.

3 B. IF A PERSON FAILS TO TAKE CORRECTIVE ACTION WITHIN THE  
4 TIME SPECIFIED IN THE COMPLIANCE ORDER ISSUED PURSUANT TO  
5 SUBSECTION A, THE ATTORNEY GENERAL SHALL ISSUE AN ORDER ASSESSING  
6 A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS. THE PERSON  
7 ALLEGED TO HAVE VIOLATED THE COMPLIANCE ORDER HAS THIRTY DAYS FROM  
8 THE DATE OF ISSUANCE OF THE ORDER ASSESSING THE CIVIL PENALTY TO  
9 REQUEST A HEARING PURSUANT TO TITLE 41, CHAPTER 6.

10 C. ANY PARTY AGGRIEVED BY AN ORDER OR DECISION OF THE  
11 ATTORNEY GENERAL MAY APPEAL TO THE SUPERIOR COURT IN ACCORDANCE  
12 WITH THE PROVISIONS OF TITLE 12, CHAPTER 7, ARTICLE 6.  
13

14 Sec. 9. Section 41-1239, Arizona Revised Statutes, is amended  
15 to read:

16 41-1239. Duties of secretary of state

17 The secretary of state shall:

18 1. Prescribe and publish the forms, HANDBOOKS and rules  
19 necessary to carry out the provisions of this article.

20 2. Refer to the attorney general or county attorney for  
21 investigation any matter which the secretary of state has reason  
22 to believe constitutes a violation of any of the provisions of this  
23 article.

24 3. Provide for the cross referencing of the registration  
25 required by section 41-1232 so that each lobbyist authorized by a  
26 principal pursuant to section 41-1232, subsection A AND EACH PUBLIC  
27 LOBBYIST AUTHORIZED BY A PUBLIC BODY PURSUANT TO SECTION 41-1232,  
28 SUBSECTION B shall be identified with such principal OR PUBLIC  
29 BODY.

30 4. Advise incumbents and non-incumbent candidates regarding  
31 campaign finance laws and public officer reporting and disclosure  
32 laws. At the request of the person asking for advice, the  
33 secretary of state shall log the request and the response.

34 5. COMPILE AND ISSUE AN ANNUAL REPORT OF ALL EXPENDITURES  
35 REPORTED BY PRINCIPALS, PUBLIC BODIES, LOBBYISTS and PUBLIC  
36 LOBBYISTS. THE ANNUAL REPORT SHALL ACCURATELY SUMMARIZE ALL  
37 EXPENDITURES FOR LOBBYING, BUT SHALL NOT DOUBLE REPORT EXPENDITURES  
38 BY A LOBBYIST WHICH WERE REIMBURSED AND REPORTED BY A PRINCIPAL OR  
39 PUBLIC BODY. THE REPORT SHALL LIST THE NAME OF EACH PRINCIPAL OR  
40 PUBLIC BODY ALONG WITH THE NAME OF EACH LOBBYIST OR PUBLIC LOBBYIST  
41 THAT IS LISTED ON THE PRINCIPAL'S REGISTRATION STATEMENT.

42 6. COMPILE AND ISSUE AN ANNUAL REPORT TO BE SUBMITTED TO THE  
43 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
44 REPRESENTATIVES CONTAINING THE NAMES OF ALL PRINCIPALS,  
45 PUBLIC BODIES, LOBBYISTS AND PUBLIC LOBBYISTS THAT FAIL TO REPORT  
46 LOBBYING EXPENDITURES PURSUANT TO SECTION 41-1232.

LOBBYING PRINCIPAL or PUBLIC BODY ANNUAL REPORT OF LOBBYING EXPENDITURES

Name of PRINCIPAL or PUBLIC BODY: \_\_\_\_\_

For the YEAR \_\_\_\_\_.

I. SINGLE EXPENDITURES OF MORE THAN \$10.00 MADE BY REGISTERED LOBBYIST(S)

| <u>Date</u> | <u>Amount</u> | <u>Name &amp; Title<br/>of State<br/>Officer/Employee</u> | <u>Nature of<br/>Expenditure</u> | <u>Name of<br/>LOBBYIST</u> |
|-------------|---------------|---|----------------------------------|-----------------------------|
|-------------|---------------|---|----------------------------------|-----------------------------|

-----  
II. SINGLE EXPENDITURES OF MORE THAN \$10.00 MADE BY NON-LOBBYISTS ON BEHALF OF PRINCIPAL(S) or PUBLIC BODY (e.g. Board Members or by the Principal or Public Body directly)

| <u>Date</u> | <u>Amount</u> | <u>Name &amp; Title<br/>of State<br/>Officer/Employee</u> | <u>Nature of<br/>Expenditure</u> | <u>Name of<br/>Person Making<br/>Expenditure</u> |
|-------------|---------------|---|----------------------------------|--|
|-------------|---------------|---|----------------------------------|--|

-----  
III. AGGREGATE OF EXPENDITURES OF \$10.00 OR LESS

A. Expenditures Made By Lobbyist or Public Lobbyist on Behalf of Principal or Public Body

B. Expenditures Made on Behalf of a Principal or Public Body by Non-Lobbyists:



LOBBYIST & PUBLIC LOBBYIST QUARTERLY REPORT OF LOBBYING EXPENDITURES

Name of Lobbyist or Public Lobbyist: \_\_\_\_\_

For the \_\_\_\_\_ Quarter of \_\_\_\_\_.

I. SINGLE EXPENDITURES OF MORE THAN \$10.00 ON BEHALF OF PRINCIPAL(S) OR PUBLIC BODY

| <u>Date</u> | <u>Amount</u> | <u>Name &amp; Title<br/>of State<br/>Officer/Employee</u> | <u>Nature of<br/>Expenditure</u> | <u>Name of<br/>Principal</u> | <u>4th Quarter<br/>Cumulative<br/>Y.T.D.</u> |
|-------------|---------------|---|----------------------------------|------------------------------|--|
|-------------|---------------|---|----------------------------------|------------------------------|--|

-----  
II. SINGLE EXPENDITURES OF MORE THAN \$10.00 NOT MADE ON BEHALF OF PRINCIPAL(S) OR PUBLIC BODY

| <u>Date</u> | <u>Amount</u> | <u>Name &amp; Title<br/>of State<br/>Officer/Employee</u> | <u>Nature of<br/>Expenditure</u> | <u>Name of<br/>Person Making<br/>Expenditure</u> | <u>4th Quarter<br/>Cumulative<br/>Y.T.D.</u> |
|-------------|---------------|---|----------------------------------|--|--|
|-------------|---------------|---|----------------------------------|--|--|

-----  
III. AGGREGATE OF EXPENDITURES OF \$10.00 OR LESS 4th Quarter  
Cumulative  
Y.T.D.

A. Expenditures Made on Behalf of Each Principal or Public Body:

B. Expenditures Not Made on Behalf of a Principal or Public Body

## **APPENDIX C**

### **DRAFT LEGISLATION**

#### **ELECTION LAWS, PERSONAL DISCLOSURE REQUIREMENTS AND ENFORCEMENT**

Rough Draft  
Folder #0007  
09/12/91 TDB/bm

REFERENCE TITLE: Arizona election commission

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTIONS 16-903, 16-904, 16-905, 16-915, 16-916, 16-917, 38-542 AND 38-543, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3002.01; RELATING TO THE ARIZONA ELECTION COMMISSION.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 The purpose of this act is to establish the Arizona election  
4 commission to administer and to enforce the campaign finance and financial  
5 disclosure laws of this state.

6 Sec. 2. Section 16-903, Arizona Revised Statutes, is amended to  
7 read:

8 16-903. Preservation of receipts of payments and  
9 disbursements

10 A. Every payment or disbursement by a candidate or campaign  
11 committee exceeding ten dollars which relates to the election except for  
12 personal or travel expenses not paid for from campaign funds shall be  
13 evidenced by a receipted bill stating the particulars of expense, and  
14 every such record, voucher, receipt or account shall be preserved by the  
15 committee for fifteen months after the election to which it relates.

16 B. A constituent communication contribution shall be deemed and  
17 reported as a contribution made for the purpose of influencing an election  
18 of a candidate, regardless of whether or not the elected official has  
19 declared his candidacy for an elective office.

1 C. Upon request of the attorney general or the ~~secretary of state~~  
2 ARIZONA ELECTION COMMISSION, a candidate or a campaign committee shall  
3 provide an itemized list of the disbursements and the records, vouchers,  
4 receipts or accounts to support an expenditure shown in its statements  
5 required to be filed under sections 16-907, 16-909, 16-913, 16-914 and  
6 16-915.01.

7 Sec. 3. Section 16-904, Arizona Revised Statutes, is amended to  
8 read:

9 16-904. Report to committee treasurer of monies received;  
10 record of treasurer

11 A. A person WHO IS acting under the authority or in behalf of a  
12 campaign committee AND who receives any contribution, payment, loan, gift,  
13 advance, deposit or promise of money or its equivalent or things of value  
14 shall, within five days after receipt of the contribution, payment, loan,  
15 gift, advance, deposit or promise, render to the treasurer OF THE CAMPAIGN  
16 COMMITTEE or his designated representative ~~of the campaign committee~~ a  
17 detailed account thereof, together with the name and address of the person  
18 from whom received, which the treasurer or his designated representative  
19 shall forthwith enter in a record kept by him for that purpose.

20 B. On request of the attorney general or the ~~secretary of state~~  
21 ARIZONA ELECTION COMMISSION, a candidate or a campaign committee shall  
22 provide all records or accounts to support any contribution shown in its  
23 statements required to be filed under sections 16-907, 16-909, 16-913,  
24 16-914 and 16-915.01.

25 Sec. 4. Section 16-905, Arizona Revised Statutes, is amended to  
26 read:

27 16-905. Contribution limitations; violations;  
28 classification; complaint; definitions

29 A. For an office other than a statewide office, a contributor shall  
30 not give and a candidate shall not accept contributions of more than:

31 1. Two hundred dollars from an individual.

32 2. One thousand dollars from a single campaign committee.

33 B. For a statewide office, a contributor shall not give and a  
34 candidate shall not accept contributions of more than:

35 1. Five hundred dollars from an individual.

36 2. Two thousand five hundred dollars from a single campaign  
37 committee.

38 C. A candidate shall not accept contributions from all campaign  
39 committees combined totaling more than five thousand dollars for an office  
40 other than a statewide office, or fifty thousand dollars for a statewide  
41 office.

42 D. An individual shall not make contributions totaling more than  
43 two thousand dollars in a calendar year to state and local candidates,  
44 campaign committees contributing to state or local candidates, and  
45 campaign committees advocating the election or defeat of state or local  
46 candidates. Contributions to political parties are exempt from the  
47 limitations of this subsection.

1 E. If a candidate contributes or obligates more than ten thousand  
2 dollars of his own money to a campaign for an office other than a  
3 statewide office, or one hundred thousand dollars for a statewide office,  
4 the candidate shall, within twenty-four hours, give written notice of the  
5 fact to the ~~secretary of state~~ ARIZONA ELECTION COMMISSION and all other  
6 candidates for the same office. From that time until they exceed these  
7 amounts, other candidates for the same office are not subject to the  
8 limitations of subsections A, B and C OF THIS SECTION.

9 F. A candidate or campaign committee under the control of a  
10 candidate shall not contribute or transfer funds to another candidate or  
11 another campaign committee under the control of a candidate.

12 G. Only campaign committees that received funds from five hundred  
13 or more individuals in amounts of ten dollars or more in the one year  
14 period preceding the last closing reporting date may make contributions to  
15 candidates under subsection A, paragraph 2 and subsection B, paragraph 2  
16 OF THIS SECTION. The ~~secretary of state~~ ARIZONA ELECTION COMMISSION shall  
17 obtain information necessary to make the determination that a committee  
18 meets the requirements of this subsection and shall provide written  
19 certification of the fact to the committee. A candidate shall not accept  
20 a contribution pursuant to this subsection unless accompanied by a copy of  
21 the certification. All campaign committees that do not meet the  
22 requirements of this subsection are subject to the individual campaign  
23 contribution limits of subsection A, paragraph 1 and subsection B,  
24 paragraph 1 OF THIS SECTION.

25 H. The ~~secretary of state~~ ARIZONA ELECTION COMMISSION shall,  
26 biennially, adjust to the nearest ten dollars the amounts in ~~subsection~~  
27 SUBSECTIONS A through E OF THIS SECTION by the percentage change in the  
28 metropolitan Phoenix consumer price index, ~~as defined in section 43-251,~~  
29 and publish the new amounts for distribution to election officials,  
30 candidates and campaign committees. IN THIS SUBSECTION, "METROPOLITAN  
31 PHOENIX CONSUMER PRICE INDEX" MEANS AN INDEX THAT IS BASED ON DATA  
32 PUBLISHED BY THE BUREAU OF BUSINESS AND ECONOMIC RESEARCH, COLLEGE OF  
33 BUSINESS ADMINISTRATION, ARIZONA STATE UNIVERSITY, OR ITS SUCCESSOR, AND  
34 THAT DEMONSTRATES CHANGES IN PRICES IN THE METROPOLITAN PHOENIX AREA.

35 I. The following specific limitations and procedures apply:

36 1. The limits of subsections A through E OF THIS SECTION apply  
37 cumulatively to the entire primary and general election campaign for any  
38 office or offices which the candidate seeks, from the opening reporting  
39 date to the closing reporting date of the campaign, as defined in section  
40 16-901. A candidate who has received prior contributions from an  
41 individual or a campaign committee during a campaign shall show in each  
42 report the cumulative total received from that source.

43 2. The limits of subsection A, paragraph 2, and subsection B,  
44 paragraph 2 OF THIS SECTION apply to the total contributions from all  
45 separate segregated funds established, as provided in section 16-920, by a  
46 corporation, labor organization, trade association, cooperative or  
47 corporation without capital stock.

1           3. A contribution by a minor child shall be treated as a  
2 contribution by his parents for determining compliance with subsection A,  
3 paragraph 1, subsection B, paragraph 1 and subsection D OF THIS SECTION.

4           4. A contribution to two or more candidates shall be apportioned  
5 equally between or among the candidates for determining compliance with  
6 subsections A, B and C OF THIS SECTION.

7           5. A candidate shall sign and file with his nominating petition a  
8 statement that he has read and understands all applicable laws relating to  
9 campaign financing and reporting.

10          6. An individual or campaign committee shall not make a  
11 contribution to a candidate through another individual or campaign  
12 committee, use economic influence to induce members of an organization to  
13 make contributions to a candidate, collect contributions from members of  
14 an organization for transmittal to a candidate, make payments to  
15 candidates for public appearances or services which are ordinarily  
16 uncompensated or use any similar device to circumvent the intent of this  
17 section.

18          J. A knowing violation of any provision of this section is a class  
19 1 misdemeanor. An unknowing violation carries a civil penalty of up to  
20 three times the amount of the illegal contribution.

21          K. On conviction of a knowing violation of any provision of this  
22 section, the court shall pronounce judgment that the candidate be  
23 immediately removed from office.

24          L. Any qualified elector may file a sworn complaint with the  
25 attorney general or the county attorney of the county in which a violation  
26 of this section is believed to have occurred, and the attorney general or  
27 the county attorney shall investigate the complaint for possible criminal  
28 or civil action.

29          M. If the attorney general or county attorney fails to institute an  
30 action within forty-five working days after receiving a complaint under  
31 subsection L OF THIS SECTION, then the individual filing the complaint may  
32 bring a civil action in his own name and at his own expense, with the same  
33 effect as if brought by the attorney general or county attorney. The  
34 individual shall execute a bond payable to the defendant if the individual  
35 fails to prosecute the action successfully. The court shall award to the  
36 prevailing party costs and reasonable attorney fees.

37          N. A county, city or town may adopt campaign contribution  
38 provisions that are stricter than those provided for in this section.

39          O. In this section:

40           1. "Candidate" means an individual who receives or gives consent  
41 for receipt of a contribution for his nomination for or election to any  
42 office in this state other than a federal office. Candidate includes a  
43 personal campaign committee designated or authorized by the individual to  
44 receive contributions or make expenditures on his behalf.

45           2. "Contribution" means money or the fair market value of anything  
46 directly or indirectly given or loaned for the purpose of influencing an  
47 election of a candidate in this state except:

1 (a) Uncompensated personal services performed by volunteer campaign  
2 workers.

3 (b) Personal travel expenses incurred by an individual without  
4 direct or indirect reimbursement.

5 (c) Food and beverages donated by an individual and not exceeding  
6 one hundred dollars in value during a calendar year.

7 Contribution includes any expenditure made by an individual or campaign  
8 committee with the cooperation or consultation of a candidate, or in  
9 concert with or at the request or suggestion of a candidate.

10 3. "Political party" means a nationally recognized organization  
11 which nominates a candidate whose name appears on a ballot as a candidate  
12 of the organization.

13 4. "Statewide office" means the office of governor, secretary of  
14 state, state treasurer, attorney general, superintendent of public  
15 instruction, corporation commissioner or mine inspector.

16 P. If a provision of this section or its application to any person  
17 or circumstance is held invalid, the invalidity does not affect other  
18 provisions or applications of the section which can be given effect  
19 without the invalid provision or application, and to this end the  
20 provisions of this section are severable.

21 Sec. 5. Section 16-915, Arizona Revised Statutes, is amended to  
22 read:

23 16-915. Contents of statements of contributions and  
24 expenditures

25 A. The statements of contributions and expenditures required by  
26 sections 16-907, 16-909, 16-913, 16-914 and 16-915.01 shall show:

27 1. The name, address, occupation and employer of each person who  
28 has contributed, promised, loaned or advanced to the candidate or campaign  
29 committee or any officer, member or agent thereof, either in one or more  
30 items, money or things which have a monetary value of more than  
31 twenty-five dollars together with an itemized list of these contributions,  
32 promises, loans or advances.

33 2. The name, address and ~~secretary of state~~ ARIZONA ELECTION  
34 COMMISSION identification number of each campaign committee that has  
35 contributed, promised, loaned or advanced to the candidate or campaign  
36 committee or any officer, member or agent thereof, either in one or more  
37 items, money or things which have a monetary value of more than  
38 twenty-five dollars together with an itemized list of these contributions,  
39 promises, loans or advances.

40 3. The aggregate sum contributed, promised, loaned or advanced to  
41 the candidate or campaign committee or to any officer, member or agent  
42 thereof, in amounts of twenty-five dollars or less.

43 4. The total sum of all contributions, promises, loans and advances  
44 received by the candidate or campaign committee or any officer, member or  
45 agent thereof.

46 5. A standard type of financial statement with distributions,  
47 disbursements, contributions, promises, loans and advances of any form of  
48 money or its equivalent, or thing of value, grouped and summarized by

1 category, in accordance with generally accepted accounting principles and  
2 standards.

3 6. An itemized account of all monies and things of value disbursed,  
4 distributed, expended, used or contributed, promised, loaned or advanced  
5 by the candidate or campaign committee, together with the name and address  
6 of each person, corporation or business to whom such disbursements,  
7 distributions, expenditures, contributions, promises, loans or advances  
8 were made, the date, nature and specific purpose of each expenditure,  
9 including whether the expenditure was independent, and the election for  
10 which the expenditure was made identified by the name of each candidate  
11 whose election or defeat was advocated by the expenditure, the office  
12 sought and the year of the election.

13 7. The total sum disbursed, distributed, expended, used or  
14 contributed, promised, loaned or advanced by the candidate or campaign  
15 committee, or any officer, member or agent thereof.

16 8. Any surplus or deficit remaining from a previous campaign  
17 reflected in the beginning balance of a statement of contributions and  
18 expenditures.

19 8. The statements of contributions and expenditures and  
20 certificates of exemption shall be made on forms prepared and printed by  
21 the ~~secretary of state~~ ARIZONA ELECTION COMMISSION, who shall forward a  
22 sufficient supply to the clerk of the board of supervisors or city or town  
23 clerk of each county, city or town in which an election is to be held.

24 C. All statements of contributions and expenditures and  
25 certificates of exemption shall be on forms prescribed by the ~~secretary of~~  
26 ~~state~~ ARIZONA ELECTION COMMISSION as provided in this article and subject  
27 to the approval of the attorney general.

28 Sec. 6. Section 16-916, Arizona Revised Statutes, is amended to  
29 read:

30 16-916. Filing statements of contributions and  
31 expenditures; public inspection

32 A. The statements in this article required to be filed shall be  
33 filed in the office of the ~~secretary of state~~ ARIZONA ELECTION COMMISSION  
34 for candidates for state offices and members of the legislature, for  
35 justices of the supreme court, for judges of the court of appeals and for  
36 a statewide initiative or referendum or any measure or proposition  
37 appearing on a state general election ballot, with the clerk of the board  
38 of supervisors for candidates for county offices and community college  
39 district governing board members, for judges of the superior court seeking  
40 retention and for a county initiative or referendum or any measure or  
41 proposition appearing on a county election ballot, with the city or town  
42 clerk for candidates for city or town offices and for a city or town  
43 initiative or referendum or any measure or proposition appearing on a city  
44 or town election ballot, and with the county school superintendent for  
45 candidates for school district governing board members.

46 B. The statements required to be filed under sections 16-907,  
47 16-909, 16-913, 16-914 and 16-915.01 shall be filed and preserved by the



1 officer with whom filed and twenty-four hours after filing are subject to  
2 inspection and publication.

3 Sec. 7. Section 16-917, Arizona Revised Statutes, is amended to  
4 read:

5 16-917. Filing financial statements by continuing  
6 political organizations

7 A. All continuing political organizations which expend money for  
8 political purposes shall submit to the ~~secretary of state~~ ARIZONA ELECTION  
9 COMMISSION by April 1 of each calendar year an itemized financial  
10 statement prepared by a public or certified public accountant or by the  
11 treasurer of the political organization. When prepared by the treasurer,  
12 the statement shall bear the seal of a notary public.

13 B. The closing reporting date of the financial statement submitted  
14 as provided in subsection A shall be December 31 of the year preceding the  
15 April 1 deadline.

16 Sec. 8. Section 38-542, Arizona Revised Statutes, is amended to  
17 read:

18 38-542. Duty to file financial disclosure statement;  
19 contents; exceptions

20 A. In addition to other statements and reports required by law,  
21 every public officer, as a matter of public record, shall file with the  
22 ~~secretary of state~~ ARIZONA ELECTION COMMISSION on a form prescribed by the  
23 ~~secretary of state~~ ARIZONA ELECTION COMMISSION a verified financial  
24 disclosure statement covering the preceding calendar year ending December  
25 31. The statement shall disclose:

26 1. The name and address of the public officer and each member of  
27 his household and all names and addresses under which each does business.

28 2. The name and address of each employer and of each other source  
29 of compensation other than gifts amounting to more than one thousand  
30 dollars received during the preceding calendar year by the public officer  
31 and members of his household in their own names, or by any other person  
32 for the use or benefit of the public officer or members of his household,  
33 a description of the services for which the compensation was received and  
34 the nature of the employer's business. This paragraph shall not be  
35 construed to require the disclosure of individual items of compensation  
36 that constituted a portion of the gross income of the business from which  
37 the public officer or members of his household derived compensation.

38 3. For a controlled business, a description of the goods or  
39 services provided by the business, and if any single source of  
40 compensation to the business during the preceding calendar year amounts to  
41 more than ten thousand dollars and is more than twenty-five per cent of  
42 the gross income of the business, the disclosure shall also include a  
43 description of the goods or services provided to the source of  
44 compensation. For a dependent business the statement shall disclose a  
45 description of the goods or services provided by the business and a  
46 description of the goods or services provided to the source of  
47 compensation from which the dependent business derived the amount of gross  
48 income described in section 38-541, paragraph 4. If the source of

1 compensation for a controlled or dependent business is a business, the  
2 statement shall disclose a description of the business activities engaged  
3 in by the source of compensation.

4 4. The names and addresses of all businesses and trusts in which  
5 the public officer or members of his household, or any other person for  
6 the use or benefit of the public officer or members of his household, had  
7 an ownership or beneficial interest of over one thousand dollars at any  
8 time during the preceding calendar year, and the names and addresses of  
9 all businesses and trusts in which the public officer or any member of his  
10 household held any office or had a fiduciary relationship at any time  
11 during the preceding calendar year, together with the amount or value of  
12 the interest and a description of the interest, office or relationship.

13 5. All Arizona real property interests and real property  
14 improvements, including specific location and approximate size, in which  
15 the public officer, any member of his household or a controlled or  
16 dependent business held legal title or a beneficial interest at any time  
17 during the preceding calendar year, and the value of any such interest,  
18 except that this paragraph does not apply to a real property interest and  
19 improvements thereon used as the primary personal residence or for the  
20 personal recreational use of the public officer. If a public officer, any  
21 member of his household or a controlled or dependent business acquired or  
22 divested any such interest during the preceding calendar year, he shall  
23 also disclose that the transaction was made and the date it occurred. If  
24 the controlled or dependent business is in the business of dealing in real  
25 property interests or improvements, disclosure need not include individual  
26 parcels or transactions as long as the aggregate value of all parcels of  
27 such property is reported.

28 6. The names and addresses of all creditors to whom the public  
29 officer or members of his household, in their own names or in the name of  
30 any other person, owed a debt of more than one thousand dollars or to whom  
31 a controlled business or a dependent business owed a debt of more than ten  
32 thousand dollars which was also more than thirty per cent of the total  
33 business indebtedness at any time during the preceding calendar year,  
34 listing each such creditor. This paragraph shall not be construed to  
35 require the disclosure of debts owed by the public officer or any member  
36 of his household resulting from the ordinary conduct of a business other  
37 than a controlled or dependent business— nor shall disclosure be required  
38 of credit card transactions, retail installment contracts, debts on  
39 residences or recreational property exempt from disclosure under paragraph  
40 5 of this subsection, debts on motor vehicles not used for commercial  
41 purposes, debts secured by cash values on life insurance or debts owed to  
42 relatives. It is sufficient disclosure of a creditor if the name and  
43 address of a person to whom payments are made is disclosed. If the public  
44 officer, any member of his household or a controlled or dependent business  
45 incurred or discharged a debt which is reportable under this subsection  
46 during the preceding calendar year, the report shall disclose that the  
47 transaction was made and the date it occurred.

1           7. The identification and amount of each debt exceeding one  
2 thousand dollars owed at any time during the preceding calendar year to  
3 the public officer and members of his household in their own names, or to  
4 any other person for the use or benefit of the public officer or any  
5 member of his household. The disclosure shall include the identification  
6 and amount of each debt exceeding ten thousand dollars to a controlled  
7 business or dependent business which was also more than thirty per cent  
8 of the total indebtedness to the business at any time during the preceding  
9 calendar year. This paragraph shall not be construed to require the  
10 disclosure of debts from the ordinary conduct of a business other than a  
11 controlled or dependent business. If the public officer, any member of  
12 his household or a controlled or dependent business incurred or discharged  
13 a debt which is reportable under this subsection during the preceding  
14 year, the report shall disclose that the transaction was made and the date  
15 it occurred.

16           8. The name of each source of any gift, or accumulated gifts from a  
17 single source, of more than five hundred dollars received by the public  
18 officer and members of his household in their own names during the  
19 preceding calendar year, or by any other person for the use or benefit of  
20 the public officer or any member of his household except gifts received by  
21 will or by virtue of intestate succession, or received by way of  
22 distribution from any inter vivos or testamentary trust established by a  
23 spouse or by an ancestor, or gifts received from any other member of the  
24 household or relatives to the second degree of consanguinity. Political  
25 campaign contributions shall not be construed as gifts if otherwise  
26 publicly reported as political campaign contributions as required by law.

27           9. A list of all business licenses issued to, held by or in which  
28 the public officer or any member of his household had an interest at any  
29 time during the preceding calendar year, including the name in which the  
30 license was issued, the type of business and its location.

31           10. A list of all bonds, together with their value, issued by this  
32 state or any political subdivision of this state held at any time during  
33 the preceding calendar year by the public officer or any member of his  
34 household, which bonds issued by a single entity had a value in excess of  
35 one thousand dollars. If the public officer or any member of his  
36 household acquired or divested any bonds during the preceding calendar  
37 year which are reportable under this paragraph, the fact that the  
38 transaction occurred and the date shall also be shown.

39           8. If an amount or value is required to be reported pursuant to  
40 this section, it is sufficient to report whether the amount or value of  
41 the equity interest falls within:

42           1. Category 1, one thousand dollars to twenty-five thousand  
43 dollars.

44           2. Category 2, more than twenty-five thousand dollars to one  
45 hundred thousand dollars.

46           3. Category 3, more than one hundred thousand dollars.

47           C. This section does not require the disclosure of any information  
48 that is privileged by law.

1 - D. The statement required to be filed pursuant to subsection A OF  
2 THIS SECTION shall be filed by all persons who qualified as public  
3 officers at any time during the preceding calendar year on or before  
4 January 31 of each year with the exceptions that a public officer  
5 appointed to fill a vacancy shall, within sixty days following his taking  
6 of such office, file a financial disclosure statement covering as his  
7 annual period the twelve month period ending with the last full month  
8 prior to the date of his taking office.

9 E. ~~The secretary of state~~ ARIZONA ELECTION COMMISSION shall prepare  
10 written guidelines, forms and samples for completing the financial  
11 disclosure statement required by this section. A copy of the guidelines,  
12 forms and samples shall be distributed to each public officer and shall be  
13 made available to each candidate required to file a financial disclosure  
14 statement pursuant to section 38-543.

15 Sec. 9. Section 38-543, Arizona Revised Statutes, is amended to  
16 read:

17 38-543. Duty to file financial disclosure statement by  
18 candidate for public office

19 A candidate for public office as specified in section 38-541,  
20 paragraph 8 shall file a financial disclosure statement covering the  
21 preceding twelve month period and containing the information described in  
22 section 38-542 on a form prescribed by the ~~secretary of state~~ ARIZONA  
23 ELECTION COMMISSION at the time of filing of nomination papers.

24 Sec. 10. Title 41, chapter 4, Arizona Revised Statutes, is amended  
25 by adding article 8, to read:

26 ARTICLE 8. ELECTION COMMISSION

27 41-811. Arizona election commission; members; terms;  
28 staff; meetings; compensation

29 A. THE ARIZONA ELECTION COMMISSION IS ESTABLISHED CONSISTING OF SIX  
30 MEMBERS. TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, TWO MEMBERS  
31 SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO  
32 MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE.

33 B. THE GOVERNOR, SPEAKER OF THE HOUSE OF REPRESENTATIVES AND  
34 PRESIDENT OF THE SENATE SHALL EACH APPOINT TWO MEMBERS WHO ARE REGISTERED  
35 WITH A DIFFERENT POLITICAL PARTY.

36 C. A MEMBER APPOINTED PURSUANT TO SUBSECTION A OF THIS SECTION  
37 SHALL NOT HOLD OR OFFER HIMSELF FOR NOMINATION OR ELECTION TO ANY PUBLIC  
38 OFFICE OR SERVE ON A COMMITTEE SUPPORTING OR OPPOSING ANY INITIATIVE,  
39 REFERENDUM OR OTHER MEASURE TO BE SUBMITTED TO A VOTE OF THE PEOPLE AT THE  
40 TIME HE SERVES AS A MEMBER OF THE COMMISSION.

41 D. MEMBERS APPOINTED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL  
42 NOT BE EMPLOYED BY THIS STATE.

43 E. MEMBERS APPOINTED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL  
44 SERVE FOUR YEAR TERMS BEGINNING ON THE THIRD MONDAY IN JANUARY.

45 F. THE COMMISSION SHALL MEET AT THE CALL OF THE EXECUTIVE DIRECTOR  
46 OR ON THE WRITTEN REQUEST OF A MAJORITY OF THE MEMBERS. APPROVAL BY AT  
47 LEAST FOUR MEMBERS OF THE COMMISSION IS REQUIRED FOR THE COMMISSION TO  
48 ACT.

1 G. MEMBERS APPOINTED PURSUANT TO SUBSECTION A OF THIS SECTION ARE  
2 ELIGIBLE TO RECEIVE COMPENSATION PURSUANT TO SECTION 38-611, SUBSECTION D  
3 AND ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38,  
4 CHAPTER 4, ARTICLE 2.

5 41-812. Election commission; powers and duties;  
6 enforcement

7 A. THE ARIZONA ELECTION COMMISSION SHALL:

8 1. APPOINT AN EXECUTIVE DIRECTOR WHO SHALL CHAIR THE COMMISSION  
9 MEETINGS.

10 2. FILE STATEMENTS OF CONTRIBUTIONS AND EXPENDITURES RECEIVED  
11 PURSUANT TO TITLE 16, CHAPTER 6, ARTICLE 1 AND VERIFIED FINANCIAL  
12 DISCLOSURE STATEMENTS REQUIRED BY SECTIONS 38-542 AND 38-543.

13 3. ESTABLISH A COMPUTER SYSTEM TO ENSURE THAT ALL FILINGS RECEIVED  
14 BY THE COMMISSION ARE PROCESSED IN A TIMELY MANNER AND ARE READILY  
15 AVAILABLE TO THE PUBLIC.

16 4. ON REQUEST, ISSUE ADVISORY OPINIONS REGARDING CAMPAIGN FINANCE  
17 AND DISCLOSURE LAWS TO CANDIDATES FOR PUBLIC OFFICE AND TO COMMITTEES  
18 SUPPORTING OR OPPOSING ANY INITIATIVE, REFERENDUM OR OTHER MEASURE TO BE  
19 SUBMITTED TO A VOTE OF THE PUBLIC.

20 5. ADOPT, AMEND OR REPEAL RULES PURSUANT TO CHAPTER 6 OF THIS TITLE  
21 TO CARRY OUT THE PURPOSES OF THIS ARTICLE, TITLE 16, CHAPTER 6, ARTICLE 1  
22 AND SECTIONS 38-542 AND 38-543.

23 6. CONDUCT INVESTIGATIONS INTO THE SUBJECT OF ANY COMPLAINT BROUGHT  
24 BEFORE THE COMMISSION BY A MEMBER OF THE PUBLIC, A CANDIDATE FOR PUBLIC  
25 OFFICE OR A COMMITTEE SUPPORTING OR OPPOSING ANY INITIATIVE, REFERENDUM OR  
26 OTHER MEASURE TO BE SUBMITTED TO A VOTE OF THE PUBLIC.

27 7. CONDUCT AUDITS OF ANY CANDIDATE FOR PUBLIC OFFICE OR ANY  
28 COMMITTEE SUPPORTING OR OPPOSING ANY INITIATIVE, REFERENDUM OR OTHER  
29 MEASURE TO BE SUBMITTED TO A VOTE OF THE PUBLIC.

30 8. CONDUCT A HEARING PURSUANT TO CHAPTER 6 OF THIS TITLE IF THE  
31 COMMISSION DETERMINES AFTER AN INVESTIGATION OR AUDIT THAT A HEARING IS  
32 WARRANTED.

33 9. IMPOSE A CIVIL PENALTY OF:

34 (a) NOT MORE THAN ONE HUNDRED DOLLARS PER DAY FOR PERSONS OR  
35 COMMITTEES WHO FILE STATEMENTS WITH THE COMMISSION AFTER THE DATE REQUIRED  
36 BY LAW.

37 (b) NOT MORE THAN ONE THOUSAND DOLLARS FOR ANY OTHER VIOLATION OF  
38 TITLE 16, CHAPTER 6, ARTICLE 1 OR SECTIONS 38-542 AND 38-543.

39 B. THE ARIZONA ELECTION COMMISSION OR A MEMBER OF THE COMMISSION  
40 MAY:

41 1. ADMINISTER OATHS, EXAMINE WITNESSES AND RECEIVE EVIDENCE WITH  
42 REGARD TO AN INVESTIGATION OR HEARING CONDUCTED PURSUANT TO THIS SECTION.

43 2. ISSUE AND ENFORCE SUBPOENAS COMPELLING THE ATTENDANCE AND  
44 TESTIMONY OF WITNESSES OR DEMANDING THE PRODUCTION OF PHYSICAL EVIDENCE  
45 WITH REGARD TO AN INVESTIGATION OR HEARING CONDUCTED PURSUANT TO THIS  
46 SECTION.

1 C. THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF THIS ARTICLE,  
2 TITLE 16, CHAPTER 6, ARTICLE 1 AND SECTIONS 38-542 AND 38-543 THROUGH  
3 CIVIL AND CRIMINAL ACTIONS.

4 41-813. Campaign finance commission; attorney

5 THE ATTORNEY GENERAL SHALL FURNISH AN ATTORNEY TO RENDER LEGAL  
6 ADVICE AND ASSISTANCE TO THE ARIZONA ELECTION COMMISSION.

7 Sec. 11. Title 41, chapter 27, article 2, Arizona Revised Statutes,  
8 is amended by adding section 41-3002.01, to read:

9 41-3002.01. Arizona election commission; termination July

10 1, 2002

11 A. THE ARIZONA ELECTION COMMISSION TERMINATES ON JULY 1, 2002.

12 B. TITLE 41, CHAPTER 4, ARTICLE 8 IS REPEALED ON JANUARY 1, 2003.

13 Sec. 12. Initial terms of members

14 A. Notwithstanding section 41-811, Arizona Revised Statutes, as  
15 added by this act:

16 1. The president of the senate shall appoint two initial members  
17 whose terms end on the third Monday in January, 1995.

18 2. The speaker of the house of representatives shall appoint two  
19 initial members whose terms end on the third Monday in January, 1996.

20 3. The governor shall appoint two initial members whose terms end  
21 on the third Monday in January, 1997.

22 B. All subsequent appointments shall be made as prescribed by  
23 statute.

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 7

(Reference to printed bill draft)

1 Page 11, between lines 14 and 15 insert:

2 "3. COMPLY WITH THE PROVISIONS OF TITLE 38, ARTICLE 3.1 REGARDING PUBLIC  
3 MEETINGS AND PROCEEDINGS"

4 Renumber to conform

5 Line 28, after "PUBLIC" insert "PURSUANT TO SUBSECTION D OF THIS SECTION"

6 Strike lines 32 through 34

7 Renumber to conform

8 After line 48, insert:

9 "3. PROMULGATE RULES TO CARRY OUT THE PROVISIONS OF THIS ARTICLE."

10 Page 12, between lines 3 and 4 insert:

11 "D. THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO INVESTIGATE A  
12 COMPLAINT FILED PURSUANT TO THIS SECTION:

13 1. THE COMMISSION SHALL NOTIFY THE PERSON AGAINST WHOM A COMPLAINT HAS  
14 BEEN FILED WITHIN TWO BUSINESS DAYS OF RECEIPT OF THE COMPLAINT. NOTICE SHALL  
15 BE BY CERTIFIED MAIL AND SHALL INCLUDE A COPY OF THE COMPLAINT, ANY SUPPORTING  
16 DOCUMENTATION ACCOMPANYING THE COMPLAINT AND A COPY OF THIS SECTION.

17 2. WITHIN SEVEN DAYS AFTER MAILING THE NOTICE, THE PERSON AGAINST WHOM  
18 A COMPLAINT HAS BEEN FILED MAY FILE A RESPONSE WITH THE COMMISSION.

19 3. UPON RECEIPT OF THE RESPONSE OR THE EXPIRATION OF THE SEVEN-DAY  
20 PERIOD, WHICHEVER IS SOONER, THE COMMISSION, BY MAJORITY VOTE, SHALL EITHER  
21 DISMISS THE COMPLAINT WITHIN SEVEN DAYS OR PROCEED WITH A FORMAL  
22 INVESTIGATION. IF THE COMPLAINT IS DISMISSED, ~~THE COMMISSION SHALL DECIDE,~~  
23 ~~BY MAJORITY VOTE, IN EXECUTIVE SESSION, WHETHER THE COMPLAINT AND ANSWER ARE~~

1 TO BE KEPT CONFIDENTIAL. IF THE COMMISSION VOTES TO PROCEED WITH A FORMAL  
2 INVESTIGATION, THE PERSON AGAINST WHOM A COMPLAINT HAS BEEN FILED SHALL BE  
3 NOTIFIED BY CERTIFIED MAIL, A FORMAL HEARING DATE SHALL BE SET AND THE  
4 COMPLAINT AND ANSWER SHALL COMMENCE NOT LESS THAN FIVE DAYS AFTER THE NOTICE  
5 HAS BEEN MAILED.

6 4. FAILURE TO FILE AN ANSWER SHALL NOT BE DEEMED TO BE AN ADMISSION OR  
7 TO CREATE AN INFERENCE OR PRESUMPTION THAT THE COMPLAINT IS TRUE.

8 5. A MAJORITY OF THE COMMISSION MAY MODIFY THE TIME PERIODS CONTAINED  
9 IN THIS SUBSECTION."

10 Amend title to conform

9/10/91  
11:05 a.m.  
JLH/aps

HB7.jh



Rough Draft  
Folder #0019  
08/27/91 MR//ac

REFERENCE TITLE: election laws; penalties

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTIONS 16-902, 16-906, 16-918 AND 38-544, ARIZONA REVISED STATUTES; RELATING TO CIVIL PENALTIES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-902, Arizona Revised Statutes, is amended to read:

16-902. Committees; selection of officers and registration as prerequisite to receipts and expenditures by committees; duties of committee treasurer; violation; classification; civil penalty

A. Each campaign committee shall have a chairman and treasurer. A candidate may be chairman of a campaign committee.

B. An officer or member of the committee or other person acting under its authority or in its behalf shall not receive money or its equivalent or things of value, or expend or promise to expend money on behalf of the committee, until after a chairman and treasurer of the committee have been chosen and the committee files an initial registration form with the secretary of state if for a state measure or office including the legislature, with the clerk of the board of supervisors if for a county measure or office, or with the city or town clerk if for a city or town measure or office.

C. The treasurer or his designated representative shall keep a detailed and exact account of all money or its equivalent or things of value received by or promised to the committee or any member of the committee, or received by or promised to any person acting under its

".....FOR DISCUSSION"

1 authority or in its behalf, and the name of every person from whom  
2 received, and of all expenditures, disbursements and promises of payment  
3 or disbursement made by the committee, or any member of the committee, or  
4 by any person acting under its authority or in its behalf, and to whom  
5 paid, distributed or disbursed.

6 ~~B. A person who violates a provision of this section is guilty of a~~  
7 ~~class 1 misdemeanor.~~

8 D. A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A  
9 CLASS 1 MISDEMEANOR. A PERSON WHO UNKNOWNLY VIOLATES THIS SECTION IS  
10 SUBJECT TO A CIVIL PENALTY IMPOSED BY THE ARIZONA ELECTION COMMISSION OF  
11 THREE TIMES THE AMOUNT OF MONEY THAT HAS BEEN RECEIVED, EXPENDED OR  
12 PROMISED IN VIOLATION OF THIS SECTION OR THREE TIMES THE VALUE IN MONEY  
13 FOR AN EQUIVALENT OF MONEY OR OTHER THINGS OF VALUE THAT HAVE BEEN  
14 RECEIVED, EXPENDED OR PROMISED IN VIOLATION OF THIS SECTION. THE  
15 PROCEDURE FOR IMPOSING THIS CIVIL PENALTY SHALL BE AS OTHERWISE PROVIDED  
16 BY STATUTE.

17 Sec. 2. Section 16-906, Arizona Revised Statutes, is amended to  
18 read:

19 16-906. Campaign literature and advertisement sponsors;  
20 identification; penalty

21 A. All campaign literature or advertisements that are distributed  
22 for the purpose of influencing the result of any election involving any  
23 candidate or any solicitation of contributions to any campaign committee  
24 shall include the following disclosure:

25 1. If authorized or paid for by a candidate, a candidate's campaign  
26 committee or an agent of either, the literature or advertisement shall  
27 clearly state that it was paid for by the candidate or the candidate's  
28 campaign committee.

29 2. If not authorized or paid for by a candidate, a candidate's  
30 campaign committee or any agent of either, the literature or advertisement  
31 shall clearly state:

32 (a) The name of the campaign committee that paid for the literature  
33 or advertisement, the name of the chairman or treasurer of the campaign  
34 committee and an address and telephone number where that individual can be  
35 contacted.

36 (b) The literature or advertisement is not authorized by any  
37 candidate or candidate's campaign committee.

38 B. The provisions of subsection A of this section do not apply to  
39 bumper stickers, pins, buttons, pens and similar small items on which the  
40 statements required in subsection A of this section cannot be conveniently  
41 printed or to signs paid for by a candidate with campaign funds or by a  
42 candidate's campaign committee.

43 C. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY  
44 OF THREE TIMES THE COST OF THE LITERATURE OR ADVERTISEMENT THAT WAS  
45 DISTRIBUTED IN VIOLATION OF THIS SECTION. THIS CIVIL PENALTY SHALL BE  
46 ASSESSED BY THE ARIZONA ELECTION COMMISSION AND THE PROCEDURE FOR IMPOSING  
47 THIS CIVIL PENALTY SHALL BE AS OTHERWISE PROVIDED BY STATUTE.

".....FOR DISCUSSION"

1           Sec. 3. Section 16-918, Arizona Revised Statutes, is amended to  
2 read:

3           16-918. Failure to make and file or failure to sign and  
4                   swear to statement of contributions and  
5                   expenditures; prohibition on campaigning;  
6                   classification; penalties

7           A. A person who knowingly refuses or fails to make and file any  
8 statement of contributions and expenditures required by this article  
9 within the time specified is guilty of a class 1 misdemeanor, and if such  
10 person is a candidate, any such candidate's name shall not appear upon the  
11 ballot. If the ballot is printed before conviction, he shall be denied  
12 the right to hold office, if elected.

13           B. A campaign committee which fails or refuses to file any  
14 statement of contributions and expenditures required by this article  
15 within the time specified, or any officer or member of the committee or  
16 any other person acting under the authority of the committee or in its  
17 behalf, shall not engage in political activity or receive money or its  
18 equivalent or things of value or expend or promise to expend money or its  
19 equivalent or things of value on behalf of the committee until the  
20 statement is filed.

21           C. A person who knowingly fails or refuses to sign and swear to any  
22 statement filed pursuant to this article is guilty of a class 1  
23 misdemeanor.

24           D. A candidate who within the preceding five years knowingly  
25 refused or failed to make and file any statement of contributions and  
26 expenditures required by this article shall not offer himself for  
27 nomination or election to any salaried local or state office. ~~For the~~  
28 ~~purpose of this subsection, a failure by a candidate to file any statement~~  
29 ~~of contributions and expenditures required by this article within thirty~~  
30 ~~days of receiving a second written notification by the officer with whom~~  
31 ~~the statement is to be filed of his failure to file the statement is~~  
32 ~~deemed a knowing failure to file.~~

33           E. IF THE ARIZONA ELECTION COMMISSION HAS REASONABLE CAUSE TO  
34 BELIEVE THAT A PERSON IS VIOLATING ANY PROVISION OF THIS ARTICLE, THE  
35 COMMISSION SHALL SERVE UPON THE PERSON AN ORDER REQUIRING COMPLIANCE WITH  
36 THAT PROVISION. THE ORDER SHALL STATE WITH REASONABLE PARTICULARITY THE  
37 NATURE OF THE VIOLATION AND SHALL REQUIRE COMPLIANCE WITHIN TWENTY DAYS  
38 FROM THE DATE OF ISSUANCE OF THE ORDER. THE ALLEGED VIOLATOR HAS TWENTY  
39 DAYS FROM THE DATE OF ISSUANCE OF THE ORDER TO REQUEST A HEARING PURSUANT  
40 TO TITLE 41, CHAPTER 6.

41           F. IF A PERSON FAILS TO TAKE CORRECTIVE ACTION WITHIN THE TIME  
42 SPECIFIED IN THE COMPLIANCE ORDER ISSUED PURSUANT TO SUBSECTION E OF THIS  
43 SECTION, THE ARIZONA ELECTION COMMISSION SHALL ISSUE AN ORDER ASSESSING A  
44 CIVIL PENALTY OF FIFTY DOLLARS FOR EACH DAY OF CONTINUED NONCOMPLIANCE BUT  
45 NOT MORE THAN ONE THOUSAND DOLLARS. THE PERSON ALLEGED TO HAVE VIOLATED  
46 THE COMPLIANCE ORDER HAS THIRTY DAYS FROM THE DATE OF ISSUANCE OF THE

".....FOR DISCUSSION"

1 ORDER ASSESSING THE CIVIL PENALTY TO REQUEST A HEARING PURSUANT TO TITLE  
2 41, CHAPTER 6.  
3 G. ANY PERSON AGGRIEVED BY AN ORDER OR DECISION OF THE ARIZONA  
4 ELECTION COMMISSION ISSUED PURSUANT TO SUBSECTION E OR F OF THIS SECTION  
5 MAY APPEAL TO THE SUPERIOR COURT AS PRESCRIBED BY TITLE 12, CHAPTER 7,  
6 ARTICLE 6.  
7 H. FOR PURPOSES OF THIS SECTION, FAILURE TO COMPLY WITH A  
8 COMPLIANCE ORDER ISSUED BY THE ARIZONA ELECTION COMMISSION AS PRESCRIBED  
9 IN SUBSECTION F IS DEEMED A KNOWING ACT.  
10 Sec. 4. Section 38-544, Arizona Revised Statutes, is amended to  
11 read:  
12 38-544. Violation; classification; civil penalty  
13 A. Any public officer, local public officer or candidate who  
14 knowingly fails to file a financial disclosure statement required pursuant  
15 to section 38-542, 38-543 or 38-545 or who knowingly files an incomplete  
16 financial disclosure statement or who knowingly files a false financial  
17 disclosure statement is guilty of a class 1 misdemeanor.  
18 B. ANY PUBLIC OFFICER, LOCAL PUBLIC OFFICER OR CANDIDATE WHO  
19 UNKNOWNLY VIOLATES THIS CHAPTER IS SUBJECT TO A CIVIL PENALTY OF FIFTY  
20 DOLLARS FOR EACH DAY OF NONCOMPLIANCE BUT NOT MORE THAN FIVE HUNDRED  
21 DOLLARS WHICH MAY BE IMPOSED BY THE ARIZONA ELECTION COMMISSION. THE  
22 PROCEDURE FOR IMPOSING THIS CIVIL PENALTY SHALL BE AS OTHERWISE PROVIDED  
23 BY STATUTE.

Rough Draft  
Folder #0005  
09/03/91 MR/ac

REFERENCE TITLE: state officers; terms

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. C. R. \_\_\_\_

Introduced by \_\_\_\_\_

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 21, CONSTITUTION OF ARIZONA; RELATING TO ELECTED STATE OFFICERS.

- 1 Be it resolved by the House of Representatives of the State of Arizona,  
2 the Senate concurring:  
3 1. The following amendment of article IV, part 2, section 21,  
4 Constitution of Arizona, is proposed to become valid when approved by a  
5 majority of the qualified electors voting thereon and on proclamation of  
6 the Governor:  
7 21. Terms of members of legislature  
8 Section 21. The members of the first legislature shall  
9 hold office until the first Monday in January, 1913.  
10 BEGINNING WITH THE FORTY-SECOND LEGISLATURE IN 1995, the terms  
11 of office of the members of succeeding legislatures shall be  
12 ~~two~~ FOUR years.  
13 2. The proposed amendments (approved by a majority of the members  
14 elected to each house of the Legislature, and entered upon the respective  
15 journals thereof, together with the ayes and nays thereon) shall be  
16 submitted to the qualified electors as a single ballot question by the  
17 Secretary of State at the next regular general election, or at a special  
18 election called for that purpose, as provided by article XXI, Constitution  
19 of Arizona.

Rough Draft  
Folder #0025  
09/30/91 TB/ac

REFERENCE TITLE: state officers; terms; salary

State of Arizona  
House of Representatives  
Fortieth Legislature  
Third Special Session  
1991

H. C. R. \_\_\_\_

Introduced by \_\_\_\_\_

A CONCURRENT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 21, CONSTITUTION OF ARIZONA; REPEALING ARTICLE V, SECTION 10, CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, CONSTITUTION OF ARIZONA, BY ADDING A NEW SECTION 10; AMENDING ARTICLE XV, SECTION 1 AND ARTICLE XIX, CONSTITUTION OF ARIZONA; RELATING TO ELECTED STATE OFFICERS.

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. The following amendment of article IV, part 2, section 21, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

21. Terms of members of legislature

Section 21. The members of the first legislature shall hold office until the first Monday in January, 1913. The terms of office of the members of succeeding legislatures shall be two years. A PERSON SHALL NOT BE ELECTED TO SERVE MORE THAN TWELVE CONSECUTIVE YEARS IN ONE HOUSE OF THE LEGISLATURE, BUT IN NO INSTANCE SHALL A PERSON SERVE MORE THAN SIXTEEN CONSECUTIVE YEARS IN ANY COMBINATION OF SERVICE IN EITHER HOUSE OF THE LEGISLATURE. SERVICE IN ANY LEGISLATURE BEFORE THE FORTY-SECOND LEGISLATURE SHALL NOT BE COUNTED IN THIS LIMITATION.

1 2. The repeal of article V, section 10, Constitution of Arizona, is  
2 proposed to become valid when approved by a majority of the qualified  
3 electors voting thereon and on proclamation of the Governor:

4 Article V, section 10, Constitution of Arizona, relating  
5 to the terms of office of the state treasurer, is repealed.

6 3. The following amendment of article V, Constitution of Arizona,  
7 by adding a new section 10, is proposed to become valid when approved by a  
8 majority of the qualified electors voting thereon and on proclamation of  
9 the Governor:

10 10. Executive department offices; limitation on terms

11 SECTION 10. A PERSON SHALL NOT BE ELECTED TO HOLD A  
12 SINGLE EXECUTIVE DEPARTMENT OFFICE FOR MORE THAN THREE  
13 CONSECUTIVE TERMS. SERVICE BEFORE JANUARY 1, 1995 SHALL NOT  
14 BE COUNTED IN THIS LIMITATION.

15 4. The following amendment of article XV, section 1, Constitution  
16 of Arizona, is proposed to become valid when approved by a majority of the  
17 qualified electors voting thereon and on proclamation of the Governor:

18 1. Composition; election; term of office; office and  
19 residence; vacancies; qualifications

20 Section 1. A corporation commission is hereby created  
21 to be composed of three persons, who shall be elected at the  
22 general election to be held under the provisions of the  
23 enabling act approved June 20, 1910, and whose term of office  
24 shall be co-terminous with that of the governor of the state  
25 elected at the same time, and who shall maintain their chief  
26 office, and reside, at the state capital. A PERSON IS NOT  
27 ELIGIBLE TO BE ELECTED TO MORE THAN THREE CONSECUTIVE TERMS AS  
28 COMMISSIONER. SERVICE BEFORE JANUARY 1, 1995 SHALL NOT BE  
29 COUNTED IN THIS LIMITATION. At the first general state  
30 election held under this constitution at which a governor is  
31 voted for, three commissioners shall be elected who shall,  
32 from and after the first Monday in January next succeeding  
33 said election, hold office as follows:

34 The one receiving the highest number of votes shall  
35 serve six years, and the one receiving the second highest  
36 number of votes shall serve four years, and the one receiving  
37 the third highest number of votes shall serve two years. And  
38 one commissioner shall be elected every two years thereafter.  
39 In case of vacancy in said office, the governor shall appoint  
40 a commissioner to fill such vacancy. Such appointed  
41 commissioner shall fill such vacancy until a commissioner  
42 shall be elected at a general election as provided by law, and  
43 shall qualify. The qualifications of commissioners may be  
44 prescribed by law.

45 5. The following amendment of article XIX, Constitution of Arizona,  
46 is proposed to become valid when approved by a majority of the qualified  
47 electors voting thereon and on proclamation of the Governor:

48 ARTICLE XIX. MINES

1           The office of mine inspector is hereby established. The  
2 legislature, ~~at its first session,~~ shall enact laws so  
3 regulating the operation and equipment of all mines in the  
4 state as to provide for the health and safety of workers  
5 therein and in connection therewith, and fixing the duties of  
6 said office. Upon approval of such laws by the governor, the  
7 governor, with the advice and consent of the senate, shall  
8 forthwith appoint a mine inspector, who shall serve until his  
9 successor shall have been elected at the first general  
10 election thereafter and shall qualify. Said successor and all  
11 subsequent incumbents of said office shall be elected at  
12 general elections, and shall serve for two years. A PERSON IS  
13 NOT ELIGIBLE TO BE ELECTED TO SERVE MORE THAN TWELVE  
14 CONSECUTIVE YEARS AS MINE INSPECTOR. SERVICE BEFORE JANUARY  
15 1, 1995 SHALL NOT BE COUNTED IN THIS LIMITATION.  
16 6. The proposed amendments and repeal (approved by a majority of  
17 the members elected to each house of the Legislature, and entered upon the  
18 respective journals thereof, together with the ayes and nays thereon)  
19 shall be submitted to the qualified electors as a single ballot question  
20 by the Secretary of State at the next regular general election, or at a  
21 special election called for that purpose, as provided by article XXI,  
22 Constitution of Arizona.



Rough Draft  
Folder #0026  
09/03/91 TB/km

REFERENCE TITLE: state officers; salary

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. C. R. \_\_\_\_

Introduced by \_\_\_\_\_

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE V,  
SECTION 13, CONSTITUTION OF ARIZONA; RELATING TO ELECTED STATE OFFICERS.

1 Be it resolved by the House of Representatives of the State of Arizona,  
2 the Senate concurring:

3 1. The following amendment of article V, section 13, Constitution  
4 of Arizona, is proposed to become valid when approved by a majority of the  
5 qualified electors voting thereon and on proclamation of the Governor:

6 13. Compensation of elective state officers;  
7 commission on salaries for elective state  
8 officers

9 Section 13. A. The salaries of those holding elective  
10 state offices shall be as established by law from time to  
11 time, subject to the limitations of article 6, section 33 and  
12 to the limitations of article 4, part 2, section 17. Such  
13 salaries as are presently established may be altered from time  
14 to time by the procedure established in this section or as  
15 otherwise provided by law, except that legislative salaries  
16 may be altered only by the procedures established in this  
17 section.

18 B. A commission to be known as the commission on  
19 salaries for elective state officers is authorized to be  
20 established by the legislature. The commission shall be  
21 composed of five members appointed from private life, two of  
22 whom shall be appointed by the governor and one each by the  
23 president of the senate, the speaker of the house of

1 representatives, and the chief justice. At such times as may  
2 be directed by the legislature, the commission shall report to  
3 the governor with recommendations concerning the rates of pay  
4 of elected state officers. The governor shall upon the  
5 receipt of such report make recommendations to the legislature  
6 with respect to the exact rates of pay which he deems  
7 advisable for those offices and positions other than for the  
8 rates of pay of members of the legislature. Such  
9 recommendations shall become effective at a time established  
10 by the legislature after the transmission of the  
11 recommendation of the governor without aid of further  
12 legislative action unless, within such period of time, there  
13 has been enacted into law a statute which establishes rates of  
14 pay other than those proposed by the governor, or unless  
15 either house of the legislature specifically disapproves all  
16 or part of the governor's recommendation. The recommendations  
17 of the governor, unless disapproved or altered within the time  
18 provided by law, shall be effective, and any 1971  
19 ~~recommendations shall be effective as to all offices on the~~  
20 ~~first Monday in January of 1973.~~ In case of either a  
21 legislative enactment or disapproval by either house, the  
22 recommendations shall be effective only insofar as not altered  
23 or disapproved. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS  
24 SECTION, the recommendations of the commission as to  
25 legislative salaries shall be certified by it to the secretary  
26 of state and the secretary of state shall submit to the  
27 qualified electors at the next regular general election the  
28 question, "Shall the recommendations of the commission on  
29 salaries for elective state officers concerning legislative  
30 salaries be accepted? ☐ Yes ☐ No." Such recommendations  
31 if approved by the electors shall become effective at the  
32 beginning of the next regular legislative session without any  
33 other authorizing legislation. All recommendations which  
34 become effective under this section shall supersede all laws  
35 enacted prior to their effective date relating to such  
36 salaries.

37 C. BEGINNING WITH THE FORTY-SECOND LEGISLATURE IN 1995,  
38 THE ANNUAL SALARY OF A MEMBER OF THE LEGISLATURE SHALL NOT BE  
39 LESS THAN TWENTY-FOUR THOUSAND DOLLARS. THEREAFTER  
40 LEGISLATIVE SALARIES SHALL BE ADJUSTED ANNUALLY TO THE NEAREST  
41 TEN DOLLARS BY THE PERCENTAGE CHANGE IN THE METROPOLITAN  
42 PHOENIX CONSUMER PRICE INDEX, AS PROVIDED BY LAW, OR ITS  
43 SUCCESSOR. IF THE COMMISSION ON SALARIES FOR ELECTIVE STATE  
44 OFFICERS RECOMMENDS AN INCREASE IN LEGISLATIVE SALARIES THAT  
45 IS GREATER THAN AN INCREASE IN THE METROPOLITAN PHOENIX  
46 CONSUMER PRICE INDEX, THE RECOMMENDATION SHALL BE SUBMITTED TO  
47 THE QUALIFIED ELECTORS AS PRESCRIBED IN SUBSECTION B OF THIS  
48 SECTION.

1           2. The proposed amendment (approved by a majority of the members  
2 elected to each house of the Legislature, and entered upon the respective  
3 journals thereof, together with the ayes and nays thereon) shall be  
4 submitted to the qualified electors by the Secretary of State at the next  
5 regular general election, or at a special election called for that  
6 purpose, as provided by article XXI, Constitution of Arizona.

Rough Draft  
Folder #0004  
08/20/91 DB/bm

REFERENCE TITLE: legislators; per diem; subsistence

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 41-1104, ARIZONA REVISED STATUTES; RELATING TO THE LEGISLATURE.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-1104, Arizona Revised Statutes, is amended to read:

41-1104. Travel reimbursement and subsistence for members of legislature; claim required

A. Each member of the legislature shall be reimbursed for travel as prescribed by law, and such reimbursement shall include travel from the temporary or permanent residence of the member to the state capitol.

B. Each member of the legislature shall be paid the sum of thirty-five dollars each day for subsistence during a regular or special session and the sum of thirty-five dollars each day for subsistence when a member acts on a legislative matter, other than in a regular or special session, upon the prior approval of the presiding officer of the house of which he is a member. Each member whose permanent residence is outside of Maricopa county shall receive an additional twenty-five dollars for each day as subsistence in a regular or special session. Each member who acts on a legislative matter, within this state in a county other than his residence, with the prior approval of the presiding officer of the house of which he is a member, shall be paid an additional twenty-five dollars for each day as subsistence.

C. BEGINNING WITH THE FORTY-FIRST LEGISLATURE IN 1993, subsistence allowed to each member of the legislature ~~during the regular session~~ as provided in subsection B shall be ADJUSTED ANNUALLY TO THE NEAREST TEN

1 DOLLARS BY THE PERCENTAGE CHANGE IN THE METROPOLITAN PHOENIX CONSUMER  
2 PRICE INDEX, AS PROVIDED BY LAW, OR ITS SUCCESSOR. ~~limited to the first~~  
3 ~~one hundred twenty days of a regular session. After the first one hundred~~  
4 ~~twenty days of a regular session, each member of the legislature shall be~~  
5 ~~paid the sum of ten dollars for subsistence for each day of the regular~~  
6 ~~session beyond the first one hundred twenty days. Each member whose~~  
7 ~~permanent residence is outside of Maricopa county shall receive an~~  
8 ~~additional ten dollars for each day beyond the first one hundred twenty~~  
9 ~~days of a regular session as subsistence.~~

10 D. Each member of the legislature, for authorized travel out of  
11 state, shall receive travel and subsistence expenses as prescribed by law  
12 for state officers.

13 E. For payment of travel expenses and subsistence, as prescribed by  
14 the terms of this section, each member of the legislature shall submit a  
15 claim therefor countersigned by the presiding officer of the respective  
16 body.

Rough Draft  
Folder #0013  
09/10/91 MR/pw

REFERENCE TITLE: campaign finance; independent  
expenditure disclosure

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. 8. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 16-906, ARIZONA REVISED STATUTES; REPEALING SECTION 16-917, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-917; RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENSES.

Be it enacted by the Legislature of the State of Arizona:  
Section 1. Section 16-906, Arizona Revised Statutes, is amended to read:

16-906. Campaign literature and advertisement sponsors; identification; copies

A. All campaign literature or advertisements that are distributed for the purpose of influencing the result of any election involving any candidate or any solicitation of contributions to any campaign committee shall include the following disclosure:

1. If authorized or paid for by a candidate, a candidate's campaign committee or an agent of either, the literature or advertisement shall clearly state that it was paid for by the candidate or the candidate's campaign committee.

2. If not authorized or paid for by a candidate, a candidate's campaign committee or any agent of either, the literature or advertisement shall clearly state:

(a) The name of the campaign committee that paid for the literature or advertisement, the name of the chairman or treasurer of the campaign committee and an address and telephone number where that individual can be contacted.

1 (b) The literature or advertisement is not authorized by any  
2 candidate or candidate's campaign committee.

3 B. The provisions of subsection A of ~~this section~~ do not apply to  
4 bumper stickers, pins, buttons, pens and similar small items on which the  
5 statements required in subsection A of ~~this section~~ cannot be conveniently  
6 printed or to signs paid for by a candidate with campaign funds or by a  
7 candidate's campaign committee.

8 C. IF A COMMITTEE HAS MADE AN INDEPENDENT EXPENDITURE FOR CAMPAIGN  
9 LITERATURE OR FOR AN ADVERTISEMENT FOR PURPOSES OF INFLUENCING AN  
10 ELECTION, INCLUDING AN ADVERTISEMENT IN ELECTRONIC OR PRINT MEDIA, AND IF  
11 THAT CAMPAIGN LITERATURE OR ADVERTISEMENT IS DISTRIBUTED IN THE LAST  
12 TWENTY DAYS IMMEDIATELY PRECEDING THE ELECTION, THE COMMITTEE SHALL FILE A  
13 COPY OF THE CAMPAIGN LITERATURE OR ADVERTISEMENT WITH THE SECRETARY OF  
14 STATE WITHIN TWENTY-FOUR HOURS OF THAT DISTRIBUTION. FILING BY ELECTRONIC  
15 FACSIMILE OR BY TELEGRAM IS PERMISSIBLE.

16 Sec. 2. Repeal

17 Section 16-917, Arizona Revised Statutes, is repealed.

18 Sec. 3. Title 16, chapter 6, article 1, Arizona Revised Statutes,  
19 is amended by adding a new section 16-917, to read:

20 16-917. Independent expenditures; reports; definition

21 A. IN ADDITION TO THE INFORMATION CONCERNING INDEPENDENT  
22 EXPENDITURES REPORTED AS PRESCRIBED BY SECTION 16-915, A CAMPAIGN  
23 COMMITTEE THAT MAKES INDEPENDENT EXPENDITURES THAT AGGREGATE FIVE HUNDRED  
24 DOLLARS AND THAT ARE MADE IN THE LAST TWENTY DAYS IMMEDIATELY PRECEDING  
25 ANY ELECTION TO WHICH THE EXPENDITURE RELATES SHALL REPORT THE INDEPENDENT  
26 EXPENDITURE WITHIN TWENTY-FOUR HOURS AFTER THE INDEPENDENT EXPENDITURE IS  
27 MADE.

28 B. AN INDEPENDENT EXPENDITURE REPORT FILED PURSUANT TO SUBSECTION A  
29 OF THIS SECTION SHALL BE FILED WITH THE OFFICER PRESCRIBED IN SECTION  
30 16-916 AND SHALL CONTAIN ALL OF THE FOLLOWING:

31 1. THE NAME AND ADDRESS OF ANY PERSON WHO RECEIVED AN INDEPENDENT  
32 EXPENDITURE.

33 2. THE DATE AND AMOUNT OF THE INDEPENDENT EXPENDITURE.

34 3. THE PURPOSE OF THE INDEPENDENT EXPENDITURE INCLUDING A SPECIFIC,  
35 ITEMIZED DESCRIPTION OF WHAT WAS PURCHASED.

36 4. THE NAME OF EACH CANDIDATE WHOSE ELECTION OR DEFEAT WAS  
37 ADVOCATED BY THE EXPENDITURE, AND FOR EACH OF THOSE CANDIDATES, THE OFFICE  
38 SOUGHT BY THE CANDIDATE AND THE YEAR OF THE ELECTION.

39 5. THE NAMES, OCCUPATIONS AND EMPLOYERS AND THE AMOUNT CONTRIBUTED  
40 BY EACH OF THE THREE LARGEST CONTRIBUTORS THAT CONTRIBUTED MONEY FOR THAT  
41 INDEPENDENT EXPENDITURE. IF ANY OF THE THREE LARGEST CONTRIBUTORS IS A  
42 COMMITTEE, THE REPORT SHALL INCLUDE THE NAMES, OCCUPATIONS AND EMPLOYERS  
43 OF THE OFFICERS OF THE COMMITTEE.

44 6. UNDER PENALTY OF PERJURY, A CERTIFICATION STATING WHETHER OR NOT  
45 THE CLAIMED INDEPENDENT EXPENDITURE IS MADE IN COOPERATION, CONSULTATION  
46 OR CONCERT WITH OR AT THE REQUEST OR SUGGESTION OF ANY CANDIDATE OR ANY  
47 CAMPAIGN COMMITTEE OR AGENT OF A CANDIDATE.

1 7. A COPY OF ANY LITERATURE, ADVERTISEMENT, INCLUDING AN  
2 ADVERTISEMENT IN ELECTRONIC OR PRINT MEDIA, OR OTHER COMMUNICATION  
3 PURCHASED WITH THE INDEPENDENT EXPENDITURE.

4 C. AN EXPENDITURE BY A CAMPAIGN COMMITTEE OR AN INDIVIDUAL THAT  
5 DOES NOT CONSTITUTE AN INDEPENDENT EXPENDITURE AS PRESCRIBED IN SUBSECTION  
6 D OF THIS SECTION CONSTITUTES AN IN-KIND CONTRIBUTION TO THE CANDIDATE AND  
7 A CORRESPONDING EXPENDITURE BY THE CANDIDATE UNLESS OTHERWISE EXEMPTED.

8 D. FOR PURPOSES OF THIS SECTION, "INDEPENDENT EXPENDITURE" MEANS AN  
9 EXPENDITURE BY AN INDIVIDUAL OR A CAMPAIGN COMMITTEE OTHER THAN A  
10 CANDIDATE'S CAMPAIGN COMMITTEE THAT EXPRESSLY ADVOCATES THE ELECTION OR  
11 DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE, THAT IS MADE WITHOUT COOPERATION  
12 OR CONSULTATION WITH ANY CANDIDATE AND THAT IS NOT MADE IN CONCERT WITH OR  
13 AT THE REQUEST OR SUGGESTION OF A CANDIDATE OR ANY COMMITTEE OR AGENT OF  
14 THE CANDIDATE. AN EXPENDITURE CANNOT BE AN INDEPENDENT EXPENDITURE IF ANY  
15 OF THE FOLLOWING APPLIES:

16 1. AN OFFICER, MEMBER, EMPLOYEE OR AGENT OF THE CAMPAIGN COMMITTEE  
17 MAKING THE EXPENDITURE IS ALSO AN OFFICER, MEMBER, EMPLOYEE OR AGENT OF  
18 THE COMMITTEE OF THE CANDIDATE WHOSE ELECTION OR WHOSE OPPONENT'S DEFEAT  
19 IS BEING ADVOCATED BY THE EXPENDITURE OR AN AGENT OF THE CANDIDATE WHOSE  
20 ELECTION OR WHOSE OPPONENT'S DEFEAT IS BEING ADVOCATED BY THE EXPENDITURE.

21 2. THERE IS ANY ARRANGEMENT, COORDINATION OR DIRECTION BETWEEN THE  
22 CANDIDATE OR THE CANDIDATE'S AGENT WITH RESPECT TO THE EXPENDITURE AND THE  
23 PERSON MAKING THE EXPENDITURE, INCLUDING ANY OFFICER, DIRECTOR, EMPLOYEE  
24 OR AGENT OF THAT PERSON.

25 3. IN THE SAME ELECTION, THE PERSON MAKING THE EXPENDITURE,  
26 INCLUDING ANY OFFICER, DIRECTOR, EMPLOYEE OR AGENT OF THAT PERSON, IS OR  
27 HAS BEEN ANY OF THE FOLLOWING:

28 (a) AUTHORIZED TO RAISE OR EXPEND MONIES ON BEHALF OF THE CANDIDATE  
29 OR THE CANDIDATE'S AUTHORIZED COMMITTEES.

30 (b) RECEIVING ANY FORM OF COMPENSATION OR REIMBURSEMENT FROM THE  
31 CANDIDATE, THE CANDIDATE'S COMMITTEES OR THE CANDIDATE'S AGENT.

32 4. THE EXPENDITURE IS BASED ON INFORMATION ABOUT THE CANDIDATE'S  
33 PLANS OR PROJECTS OR THE NEEDS OF THE CANDIDATE OR HIS CAMPAIGN COMMITTEE  
34 AND THAT INFORMATION WAS PROVIDED TO THE EXPENDING PERSON BY THE  
35 CANDIDATE, BY THE CANDIDATE'S AGENTS OR BY ANY OFFICER, MEMBER OR EMPLOYEE  
36 OF THE CANDIDATE'S CAMPAIGN COMMITTEE WITH INTENT TO ENCOURAGE THE  
37 EXPENDITURE.



Rough Draft  
Folder #0008  
08/20/91 MR/bm

REFERENCE TITLE: primary elections; date

State of Arizona  
Senate  
Fortieth Legislature  
Second Special Session  
1991

S. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 16-201, ARIZONA REVISED STATUTES; RELATING TO PRIMARY ELECTIONS.

Be it enacted by the Legislature of the State of Arizona:  
Section 1. Section 16-201, Arizona Revised Statutes, is amended to read:

16-201. Primary elections  
On the ~~eighth~~ TWENTIETH Tuesday prior to a general or special election at which candidates for public office are to be elected, a primary election shall be held.

Rough Draft  
Folder #0001  
08/20/91 MR/pw

REFERENCE TITLE: campaign contributions and expenses

State of Arizona  
Senate  
Fortieth Legislature  
Second Special Session  
1991

S. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 16-905, ARIZONA REVISED STATUTES; RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENSES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-905, Arizona Revised Statutes, is amended to read:

16-905. Contribution limitations; violations;  
classification; complaint; definitions

A. For an office other than a statewide office, a contributor shall not give and a candidate shall not accept contributions of more than:

1. Two hundred dollars from an individual.
2. One thousand dollars from a single campaign committee.

B. For a statewide office, a contributor shall not give and a candidate shall not accept contributions of more than:

1. Five hundred dollars from an individual.
2. Two thousand five hundred dollars from a single campaign committee.

C. A candidate shall not accept contributions from all campaign committees combined totaling more than five thousand dollars for an office other than a statewide office, or fifty thousand dollars for a statewide office.

D. An individual shall not make contributions totaling more than two thousand dollars in a calendar year to state and local candidates, campaign committees contributing to state or local candidates, and

1 campaign committees advocating the election or defeat of state or local  
2 candidates. Contributions to political parties are exempt from the  
3 limitations of this subsection.

4 E. If a candidate contributes or obligates more than ten thousand  
5 dollars of his own money to a campaign for an office other than a  
6 statewide office, or one hundred thousand dollars for a statewide office,  
7 the candidate shall, within twenty-four hours, give written notice of the  
8 fact to the secretary of state and all other candidates for the same  
9 office. From that time until they exceed these amounts, other candidates  
10 for the same office are not subject to the limitations of subsections A, B  
11 and C OF THIS SECTION.

12 F. A candidate or campaign committee under the control of a  
13 candidate shall not contribute or transfer funds to another candidate or  
14 another campaign committee under the control of a candidate.

15 G. Only campaign committees that received funds from five hundred  
16 or more individuals in amounts of ten dollars or more in the one year  
17 period preceding the last closing reporting date may make contributions to  
18 candidates under subsection A, paragraph 2 and subsection B, paragraph 2  
19 OF THIS SECTION. The secretary of state shall obtain information necessary  
20 to make the determination that a committee meets the requirements of this  
21 subsection and shall provide written certification of the fact to the  
22 committee. A candidate shall not accept a contribution pursuant to this  
23 subsection unless accompanied by a copy of the certification. All  
24 campaign committees that do not meet the requirements of this subsection  
25 are subject to the individual campaign contribution limits of subsection  
26 A, paragraph 1 and subsection B, paragraph 1 OF THIS SECTION.

27 H. The secretary of state shall, biennially, adjust to the nearest  
28 ten dollars the amounts in ~~subsection~~ SUBSECTIONS A through E OF THIS  
29 SECTION by the percentage change in the metropolitan Phoenix consumer  
30 price index, ~~as defined in section 43-251,~~ and publish the new amounts for  
31 distribution to election officials, candidates and campaign committees.  
32 IN THIS SUBSECTION, "METROPOLITAN PHOENIX CONSUMER PRICE INDEX" MEANS THE  
33 INDEX PUBLISHED BY THE BUREAU OF BUSINESS AND ECONOMIC RESEARCH, COLLEGE  
34 OF BUSINESS ADMINISTRATION, ARIZONA STATE UNIVERSITY, OR ITS SUCCESSOR.

35 I. The following specific limitations and procedures apply:

36 1. The limits of subsections A through E OF THIS SECTION apply  
37 cumulatively to the entire primary and general election campaign for any  
38 office or offices which the candidate seeks, from the opening reporting  
39 date to the closing reporting date of the campaign, as defined in section  
40 16-901. A candidate who has received prior contributions from an  
41 individual or a campaign committee during a campaign shall show in each  
42 report the cumulative total received from that source.

43 2. The limits of subsection A, paragraph 2, and subsection B,  
44 paragraph 2 OF THIS SECTION apply to the total contributions from all  
45 separate segregated funds established, as provided in section 16-920, by a  
46 corporation, labor organization, trade association, cooperative or  
47 corporation without capital stock.

1           3. A contribution by a minor child shall be treated as a  
2 contribution by his parents for determining compliance with subsection A,  
3 paragraph 1, subsection B, paragraph 1 and subsection D OF THIS SECTION.

4           4. A contribution to two or more candidates shall be apportioned  
5 equally between or among the candidates for determining compliance with  
6 subsections A, B and C OF THIS SECTION.

7           5. A candidate shall sign and file with his nominating petition a  
8 statement that he has read and understands all applicable laws relating to  
9 campaign financing and reporting.

10          6. An individual or campaign committee shall not make a  
11 contribution to a candidate through another individual or campaign  
12 committee, use economic influence to induce members of an organization to  
13 make contributions to a candidate, collect contributions from members of  
14 an organization for transmittal to a candidate, make payments to  
15 candidates for public appearances or services which are ordinarily  
16 uncompensated or use any similar device to circumvent the intent of this  
17 section.

18          J. A knowing violation of any provision of this section is a class  
19 1 misdemeanor. An unknowing violation carries a civil penalty of up to  
20 three times the amount of the illegal contribution.

21          K. On conviction of a knowing violation of any provision of this  
22 section, the court shall pronounce judgment that the candidate be  
23 immediately removed from office.

24          L. Any qualified elector may file a sworn complaint with the  
25 attorney general or the county attorney of the county in which a violation  
26 of this section is believed to have occurred, and the attorney general or  
27 the county attorney shall investigate the complaint for possible criminal  
28 or civil action.

29          M. If the attorney general or county attorney fails to institute an  
30 action within forty-five working days after receiving a complaint under  
31 subsection L OF THIS SECTION, then the individual filing the complaint may  
32 bring a civil action in his own name and at his own expense, with the same  
33 effect as if brought by the attorney general or county attorney. The  
34 individual shall execute a bond payable to the defendant if the individual  
35 fails to prosecute the action successfully. The court shall award to the  
36 prevailing party costs and reasonable attorney fees.

37          N. A county, city or town may adopt campaign contribution  
38 provisions that are stricter than those provided for in this section.

39          O. In this section:

40           1. "Candidate" means an individual who receives or gives consent  
41 for receipt of a contribution for his nomination for or election to any  
42 office in this state other than a federal office. Candidate includes a  
43 personal campaign committee designated or authorized by the individual to  
44 receive contributions or make expenditures on his behalf.

45           2. "Contribution" means money or the fair market value of anything  
46 directly or indirectly given or loaned for the purpose of influencing an  
47 election of a candidate in this state, INCLUDING ANY PERSONAL LOAN TO A  
48 CANDIDATE, except:

1 (a) Uncompensated personal services performed by volunteer campaign  
2 workers.

3 (b) Personal travel expenses incurred by an individual without  
4 direct or indirect reimbursement.

5 (c) Food and beverages donated by an individual and not exceeding  
6 one hundred dollars in value during a calendar year.

7 (d) MONEY LOANED BY A CANDIDATE TO HIS CAMPAIGN OR CAMPAIGN  
8 COMMITTEE.

9 (e) A LOAN OF MONEY BY A STATE BANK, A FEDERALLY CHARTERED  
10 DEPOSITORY INSTITUTION OR A DEPOSITORY INSTITUTION WHOSE DEPOSITS AND  
11 ACCOUNTS ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE  
12 FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION OR THE NATIONAL CREDIT  
13 UNION ADMINISTRATION IF THE LOAN IS MADE IN THE ORDINARY COURSE OF  
14 BUSINESS.

15 Contribution includes any expenditure made by an individual or campaign  
16 committee with the cooperation or consultation of a candidate, or in  
17 concert with or at the request or suggestion of a candidate.

18 3. "LOAN MADE IN THE ORDINARY COURSE OF BUSINESS" MEANS A LOAN  
19 THAT:

20 (a) BEARS INTEREST AT THE BANK'S OR LENDING INSTITUTION'S USUAL AND  
21 CUSTOMARY RATE.

22 (b) IS EVIDENCED BY A WRITTEN INSTRUMENT.

23 (c) IS SUBJECT TO A DUE DATE OR AMORTIZATION SCHEDULE.

24 (d) IS MADE WITH ADEQUATE SECURITY OR UNDER OTHER CIRCUMSTANCES  
25 THAT MAKE REPAYMENT LIKELY.

26 3- 4. "Political party" means a nationally recognized organization  
27 which nominates a candidate whose name appears on a ballot as a candidate  
28 of the organization.

29 4- 5. "Statewide office" means the office of governor, secretary  
30 of state, state treasurer, attorney general, superintendent of public  
31 instruction, corporation commissioner or mine inspector.

32 P. If a provision of this section or its application to any person  
33 or circumstance is held invalid, the invalidity does not affect other  
34 provisions or applications of the section which can be given effect  
35 without the invalid provision or application, and to this end the  
36 provisions of this section are severable.

Rough Draft  
Folder #0022  
09/05/91 TDB/km

REFERENCE TITLE: independent parties; signatures

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTIONS 16-801, 16-802 AND 16-804, ARIZONA REVISED STATUTES;  
RELATING TO POLITICAL PARTIES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-801, Arizona Revised Statutes, is amended to read:

16-801. Representation of new party on ballot at primary and general elections

A new political party may become eligible for recognition and shall be represented by an official party ballot at the next ensuing regular primary election and accorded a column on the official ballot at the succeeding general election upon filing with the secretary of state a petition signed by a number of qualified electors equal to not less than ~~two~~ ONE AND ONE-THIRD per cent of the total votes cast for governor or presidential electors at the last preceding general election. The petition shall:

1. Bear the certification of the county recorder of each county that the signatures on the petition have been examined and that these are signatures of qualified electors of the county.

2. Be verified by the affidavit of ten qualified electors of the state, asking that the signers thereof be recognized as a new political party. The status as qualified electors of the signers of the affidavit shall be certified by the county recorder of the county in which they reside.

Sec. 2. Section 16-802, Arizona Revised Statutes, is amended to read:

16-802. Representation of new party on ballot for county or municipal election

1 A new political party shall become eligible for recognition and  
2 shall be represented by an official party ballot at the next ensuing  
3 primary election of a county, city or town and SHALL be placed on the  
4 official ballot at the succeeding regular election upon filing with the  
5 clerk of the board of supervisors of the county or the city or town clerk,  
6 as the case may be, a petition signed by a number of qualified electors  
7 equal to not less than ~~three~~ TWO per cent of the votes cast for county  
8 attorney in the case of a county petition or for mayor in the case of a  
9 city or town petition. The petition shall bear the certification of the  
10 county recorder or the city or town clerk, as the case may be, that he has  
11 examined the signatures on the petition and that it contains the  
12 signatures of a number of qualified electors equal to not less than ~~three~~  
13 TWO per cent of the votes cast for county attorney or mayor at the last  
14 preceding election, and that it contains the signatures of qualified  
15 electors in not less than one-fourth of the election precincts of the  
16 county, city or town.

17 Sec. 3. Section 16-804, Arizona Revised Statutes, is amended to  
18 read:

19 16-804. Continued representation on basis of votes cast  
20 at last preceding general election or  
21 registered electors.

22 A. A political organization which at the last preceding general  
23 election cast for governor or presidential electors or for county attorney  
24 or for mayor, whichever applies, not less than five per cent of the total  
25 votes cast for governor or presidential electors, in the state or in such  
26 county, city or town, is entitled to representation as a political party  
27 on the official ballot for state officers or for officers of such county  
28 or local subdivision.

29 B. In lieu of the provisions of subsection A, a political  
30 organization is entitled to continued representation as a political party  
31 on the official ballot for state, county, city or town officers if, on  
32 June 1 immediately preceding the general election for state or county  
33 officers and for city or town officers one hundred twenty-five days  
34 immediately preceding the primary election in such jurisdiction, such  
35 party has registered electors in the party equal to at least TWO-THIRDS OF  
36 one per cent of the total registered electors in such jurisdiction.

37 C. The secretary of state shall determine the political parties  
38 qualified for continued representation on the state ballot pursuant to  
39 this section by June 15 of the appropriate year. Each county recorder  
40 shall furnish to the secretary of state such information as the secretary  
41 of state may require no later than June 10 of such year.

42 D. Each county recorder shall determine the political parties  
43 qualified for the county ballot pursuant to this section by June 15 of the  
44 appropriate year.

45 E. Each city or town clerk of a city or town providing for partisan  
46 elections shall determine the political parties qualified for such city or  
47 town ballot pursuant to this section one hundred ten days prior to the  
48 primary election.

Rough Draft  
Folder #0009  
08/27/91 MR/bm

REFERENCE TITLE: independent candidates

State of Arizona  
Senate  
Fortieth Legislature  
Second Special Session  
1991

S. B. \_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTIONS 16-341 AND 16-571, ARIZONA REVISED STATUTES; RELATING TO  
INDEPENDENT CANDIDATES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-341, Arizona Revised Statutes, is amended to  
read:

16-341. Nomination petition; method and time of filing;  
form; qualifications and number of petitioners  
required

A. Candidates for public office may be nominated otherwise than by  
primary election or by party committee pursuant to this section, unless  
such candidates were defeated or failed to obtain nomination in the  
immediately preceding primary election.

B. The provisions of this article shall not be used to place on the  
general election ballot the name of a political party which fails to meet  
the qualifications specified in section 16-804, or the name of any  
candidate representing such party.

C. A nomination petition stating the name of the office to be  
filled, the name and residence of the candidate and other information  
required by this section shall be filed AT THE SAME TIME AND with the SAME  
officer with whom primary nomination papers and petitions are required to  
be filed ~~no later than 5:00 p.m. on the tenth day after the primary~~  
election AS PRESCRIBED IN SECTION 16-311. The petition shall be signed  
only by voters who have not signed the nomination petitions of a candidate  
for the office to be voted for at the ~~last~~ THAT primary election and ~~who~~  
~~have not voted at the primary election.~~



1 D. The nomination petition shall be in substantially the following  
2 form:

3 "The undersigned, qualified electors of the \_\_\_\_\_  
4 precinct of \_\_\_\_\_ county, state of Arizona, do hereby  
5 nominate \_\_\_\_\_, who resides at \_\_\_\_\_ in the county  
6 of \_\_\_\_\_, as a candidate for the office of \_\_\_\_\_ at  
7 the general (or special, as the case may be) election to be  
8 held on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

9 I hereby declare that I have not signed the  
10 nomination petitions of any candidate for the  
11 office to be voted for at the ~~last~~ THIS primary  
12 election, ~~and that I did not vote at the last~~  
13 ~~primary election,~~ and I do hereby select the  
14 following designation under which name the said  
15 candidate shall be placed on the official ballot  
16 (here insert such designation not exceeding three  
17 words in length as the signers may select)."

18 E. The nomination petition shall conform as nearly as possible to  
19 the provisions relating to nomination petitions of candidates to be voted  
20 for at primary elections and shall be signed by at least one per cent of  
21 the qualified electors of the state, county, subdivision or district for  
22 which the candidate is nominated.

23 F. The percentage of qualified electors necessary to sign the  
24 nomination petition shall be determined by the total vote cast for  
25 governor or presidential electors in the state, county, subdivision or  
26 district at the last general election.

27 ~~G. Nomination petitions filed pursuant to this section may be~~  
28 ~~circulated the day following the primary election. Signatures collected~~  
29 ~~prior to that date are not valid.~~

30 Sec. 2. Section 16-571, Arizona Revised Statutes, is amended to  
31 read:

32 16-571. Poll lists to be kept by election clerk; posting

33 A. Each election board clerk shall keep a list in duplicate of  
34 persons voting, and the name of each person who votes shall be entered  
35 thereon and numbered in the order of voting.

36 B. The poll list as prescribed in section 16-516 shall be written  
37 on one side only, and the copies thereof shall be legible carbon copies.  
38 Immediately upon the completion of each page of the poll list one copy  
39 shall, upon request, be given to a representative designated by each major  
40 political party AND TO EACH INDEPENDENT CANDIDATE WHO RAN FOR ELECTION IN  
41 A RACE IN THE ELECTION PRECINCT FOR THAT POLLING PLACE. For the purposes  
42 of this subsection, "major political party" means the two parties  
43 receiving the highest number of votes for governor or presidential  
44 electors at the last election.

Rough Draft  
Folder #0011  
09/10/91 TDB/bm

REFERENCE TITLE: elections; seventy-five foot limit notices

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTIONS 16-515, 16-563, 16-1017 AND 16-1018, ARIZONA REVISED  
STATUTES; RELATING TO CONDUCT OF ELECTIONS.

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 16-515, Arizona Revised Statutes, is amended to  
3 read:  
4 16-515. "Seventy-five foot limit" notices; posting;  
5 violation; classification

6 A. The board of supervisors shall furnish, with the ballots for  
7 each polling place, three notices, printed in letters not less than two  
8 inches high, reading: "~~Fifty-foot~~ SEVENTY-FIVE FOOT limit" and underneath  
9 that heading the following:

10 No person shall be allowed to remain inside these limits  
11 while the polls are open, except for the purpose of voting,  
12 and except the election officials, one representative at any  
13 one time of each political party represented on the ballot who  
14 has been appointed by the county chairman of such political  
15 party, and the challengers allowed by law. Voters having cast  
16 their ballots shall at once retire without the ~~fifty-foot~~  
17 SEVENTY-FIVE FOOT limit. A person violating any provision of  
18 this notice is guilty of a class 2 misdemeanor.

19 B. A minor voting in a simulated election at a polling place is  
20 subject to the same ~~fifty-foot~~ SEVENTY-FIVE FOOT limit restrictions  
21 prescribed for a voter. Persons supervising or working in a simulated  
22 election in which minors vote may remain within the ~~fifty-foot~~

1 SEVENTY-FIVE FOOT limit of the polling place. The inspector for the  
2 polling place shall exercise authority over all election and simulated  
3 election related activities at the polling place.

4 C. Any person violating any provision of the ~~fifty-foot~~  
5 SEVENTY-FIVE FOOT limit notice is guilty of a class 2 misdemeanor.

6 Sec. 2. Section 16-563, Arizona Revised Statutes, is amended to  
7 read:

8 16-563. Posting sample ballots, instruction cards and  
9 notice to voters before opening polls

10 Before opening the polls the inspector of election shall direct the  
11 following postings:

12 1. One of the sample ballots provided for in section 16-510 and one  
13 of the cards of instructions provided for in section 16-513 in plain view  
14 in the room where the ballots are cast. At least four other sample  
15 ballots and cards of instructions shall be posted in conspicuous places in  
16 and around the polling place.

17 2. Three ~~fifty-foot~~ SEVENTY-FIVE FOOT limit notices approximately  
18 ~~fifty~~ SEVENTY-FIVE feet in different directions from the main outside  
19 entrance THAT IS NEAREST TO THE DOOR THAT IS NEAREST TO THE SIGNATURE  
20 ROSTER of the place in which the election is being held.

21 3. In each voting booth, a notice to voters provided in section  
22 16-514 at general elections only.

23 Sec. 3. Section 16-1017, Arizona Revised Statutes, is amended to  
24 read:

25 16-1017. Unlawful acts by voters with respect to voting;  
26 classification

27 A voter who knowingly commits any of the following acts is guilty of  
28 a class 2 misdemeanor:

29 1. Makes a false statement as to his inability to mark his ballot.  
30 2. Interferes with a voter within the ~~fifty-foot~~ SEVENTY-FIVE FOOT  
31 limit of the polling place as posted by the ~~marshal~~ of election MARSHAL.

32 3. Endeavors while within the ~~fifty-foot~~ SEVENTY-FIVE FOOT limit to  
33 induce a voter to vote for or against a particular candidate or issue.

34 4. Prior to the close of an election defaces or destroys a sample  
35 ballot posted by election officers, or defaces, tears down, removes or  
36 destroys a card of instructions posted for the instruction of voters.

37 5. Removes or destroys supplies or conveniences furnished to enable  
38 a voter to prepare his ballot.

39 6. Hinders the voting of others.

40 7. Votes in a precinct in which he no longer resides, except as  
41 provided in section 16-125.

42 Sec. 4. Section 16-1018, Arizona Revised Statutes, is amended to  
43 read:

44 16-1018. Additional unlawful acts by persons with respect  
45 to voting; classification

46 A person who commits any of the following acts is guilty of a class  
47 2 misdemeanor:

- 1 1. Knowingly electioneers on election day within a polling place or  
2 in a public manner within ~~one hundred fifty~~ SEVENTY-FIVE feet of the main  
3 outside entrance THAT IS NEAREST TO THE DOOR THAT IS NEAREST TO THE  
4 SIGNATURE ROSTER of a polling place.
- 5 2. Intentionally disables or removes from the polling place or  
6 custody of an election official, a voting machine or a voting record.
- 7 3. Knowingly removes an official ballot from a polling place before  
8 closing the polls.
- 9 4. Shows his ballot or the machine on which he has voted to any  
10 person after it is prepared for voting in such a manner as to reveal the  
11 contents, except to an authorized person lawfully assisting the voter.
- 12 5. Knowingly solicits a voter to show his ballot, or receives from  
13 a voter a ballot prepared for voting, unless he is an election official.
- 14 6. Knowingly receives an official ballot from a person other than  
15 one of the judges having charge of the ballots, unless a judge of  
16 election.
- 17 7. Knowingly delivers an official ballot to a voter, unless a judge  
18 of election.
- 19 8. Knowingly places a mark upon his ballot by which it can be  
20 identified as the one voted by him.
- 21 9. After having received a ballot as a voter, knowingly fails to  
22 return the ballot to the inspector of election or judge of election acting  
23 as such inspector before leaving the polling place or going outside the  
24 voting area.

Rough Draft  
Folder #0010  
09/10/91 MR/km

REFERENCE TITLE: elections; polling place disclosure

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS  
1991, CHAPTER 308, SECTION 4; RELATING TO ELECTION POLLING PLACES.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-411, Arizona Revised Statutes, as amended by  
3 Laws 1991, chapter 308, section 4, is amended to read:

4 16-411. Designation of election precincts and polling  
5 places

6 A. ~~Except as provided in section 16-1122,~~ The board of supervisors  
7 of each county shall, on or before December 1 of each year preceding the  
8 year of a general election, by an order, establish a convenient number of  
9 election precincts in the county and define the boundaries thereof. Such  
10 election precinct boundaries shall be so established as included within  
11 election districts prescribed by law for elected officers of the state and  
12 its political subdivisions including community college district precincts,  
13 except those elected officers provided for in titles 30 and 48.

14 B. Not less than twenty days before a general or primary election,  
15 and at least ten days before a special election, the board shall designate  
16 one polling place within each precinct where the election shall be held.  
17 Upon a specific finding of the board, included in the order or resolution  
18 designating polling places pursuant to this subsection, that no suitable  
19 polling place is available within a precinct, a polling place for such  
20 precinct may be designated within an adjacent precinct. Any such polling  
21 places shall be listed in a separate section of the order or resolution.

22 C. If the board fails to designate the place for holding the  
23 election, or if it cannot be held at or about the place designated, the

1 justice of the peace in the precinct shall, two days before the election,  
2 by an order, copies of which he shall immediately post in three public  
3 places in the precinct, designate the place within the precinct for  
4 holding the election. If there is no justice of the peace in the  
5 precinct, or if he fails to do so, the election board of the precinct  
6 shall designate and give notice of the place within the precinct of  
7 holding the election.

8 D. The board is not required to designate a polling place for  
9 special district mail ballot elections held pursuant to article 8.1 of  
10 this chapter, but the board may designate one or more sites for voters to  
11 deposit marked ballots until 7:00 p.m. on the day of the election.

12 E. AT LEAST EIGHTY DAYS BEFORE A GENERAL AND A PRIMARY ELECTION,  
13 THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC A LIST OF POLLING PLACES THAT  
14 WERE SUBMITTED TO THE UNITED STATES DEPARTMENT OF JUSTICE FOR APPROVAL  
15 WITHIN EACH PRECINCT WHERE THE ELECTION IS TO BE HELD.

Rough Draft  
Folder #0012  
08/22/91 MR/bm

REFERENCE TITLE: elections; questioned ballots

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 16-513, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-513.01; AMENDING SECTION 16-563, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-513, Arizona Revised Statutes, is amended to read:

16-513. Instructions for voters and election officers;  
form; preparation and distribution

A. The board of supervisors shall prepare the following instructions for the guidance of voters and election officers at the election, according to which the election shall be conducted and which shall govern the voters and election officers:

—Instructions to voters and election officers

1. On entering the polls each voter shall give his name in full and his place of residence to the election officer OFFICER in charge of the signature roster. The inspector or other election officer OFFICER shall ascertain if the name of the voter appears on the precinct register, and, if so, the voter will be given a ballot on the stub of which shall be written the initials of the election officer OFFICER delivering the ballot and the register number of the voter.

2. The voter shall retire to a booth provided for voting and in such booth mark or punch his ballot. He will mark or punch his ballot opposite the name of each candidate

1 whose name is printed on the ballot for whom he desires to  
2 vote.

3 3. If the voter desires to vote for any person whose  
4 name is not printed on the ballot, he shall write the name of  
5 such person on the blank lines printed on the ballot, except  
6 THAT when a write-in ballot envelope is provided for such  
7 purpose he shall write the name and title of office of such  
8 person.

9 4. If the voter by reason of infirmity, or for any  
10 reason, is physically unable to mark his ballot, he may obtain  
11 the assistance of two election officers of opposite political  
12 parties in marking or punching the ballot. When a voter, for  
13 any such reason, requests assistance in marking or punching  
14 his ballot, two election officers, not of the same political  
15 party, shall accompany him to the booth and there distinctly  
16 state to him the names of the several candidates for each  
17 office, and the political parties by which they were  
18 nominated, and shall ask the voter for which candidate he  
19 desires to vote, and shall mark or punch his ballot correctly.  
20 Neither of the election officers shall in any way attempt to  
21 influence the voter in his choice of candidates, nor in any  
22 manner suggest or recommend that he vote for any particular  
23 candidate, or for the candidate of any political party.

24 5. If a voter accidentally spoils his ballot, he shall  
25 present the ballot concealing any marks thereon to the judge  
26 having charge of the ballots, who shall mark the ballot  
27 spoiled and deliver to the voter another ballot. This process  
28 may be repeated until the voter has received three ballots,  
29 but no more. All spoiled ballots shall be returned with  
30 official returns of the election.

31 6. IF THE NAME OF THE VOTER DOES NOT APPEAR ON THE  
32 PRECINCT REGISTER, THE VOTER SHALL BE ALLOWED TO VOTE A  
33 QUESTIONED BALLOT AFTER THE ELECTION BOARD DETERMINES THAT THE  
34 ADDRESS OF THE REGISTRANT IS WITHIN THE DESIGNATED PRECINCT  
35 AND THE VOTER PROVIDES IDENTIFICATION VERIFYING HIS IDENTITY.  
36 IN THOSE CASES, THE ELECTION OFFICER SHALL ENTER THE VOTER'S  
37 NAME ON A SEPARATE SIGNATURE ROSTER PAGE AT THE END OF THE  
38 SIGNATURE ROSTER AND THE VOTER SHALL SIGN IN THE SPACE  
39 PROVIDED. VOTERS' NAMES SHALL BE NUMBERED CONSECUTIVELY  
40 BEGINNING WITH THE NUMBER Q-1. THE VOTER SHALL BE GIVEN A  
41 BALLOT ON THE STUB OF WHICH SHALL BE WRITTEN THE INITIALS OF  
42 THE ELECTION OFFICER DELIVERING THE BALLOT AND THE  
43 REGISTRATION NUMBER OF THE VOTER, IF AVAILABLE. AFTER THE  
44 VOTER HAS VOTED, THE ELECTION OFFICER SHALL PLACE THE BALLOT  
45 IN A SEPARATE ENVELOPE, THE OUTSIDE OF WHICH SHALL CONTAIN THE  
46 PRECINCT NAME OR NUMBER, THE SIGNATURE OF THE VOTER AND THE  
47 VOTER REGISTRATION NUMBER OF THE VOTER, IF AVAILABLE.



1        8. The board of supervisors shall furnish to the inspector in each  
2 election precinct at least five instruction cards, at the time and in the  
3 same manner as the printed ballots are furnished.

4        Sec. 2. Title 16, chapter 4, article 6, Arizona Revised Statutes,  
5 is amended by adding section 16-513.01, to read:

6        16-513.01. Right to vote a questioned ballot; notice

7        THE BOARD OF SUPERVISORS SHALL FURNISH TO THE INSPECTOR IN EACH  
8 ELECTION PRECINCT AT LEAST FIVE "RIGHT TO VOTE A QUESTIONED BALLOT"  
9 NOTICES AT THE TIME AND IN THE SAME MANNER AS THE PRINTED BALLOTS ARE  
10 FURNISHED. THE "RIGHT TO VOTE A QUESTIONED BALLOT" NOTICE SHALL CONTAIN  
11 THE FOLLOWING:

12                RIGHT TO VOTE A QUESTIONED BALLOT

13                IF YOU BELIEVE YOU ARE A REGISTERED VOTER OF THIS  
14 PRECINCT BUT YOUR NAME DOES NOT APPEAR ON THE PRECINCT  
15 REGISTER, YOU HAVE THE RIGHT TO VOTE A QUESTIONED BALLOT.  
16 SPEAK TO THE ELECTION OFFICER IN CHARGE OF THE SIGNATURE  
17 ROSTER FOR FURTHER DETAILS.

18        Sec. 3. Section 16-563, Arizona Revised Statutes, is amended to  
19 read:

20        16-563. Posting sample ballots, instruction cards and  
21 notice to voters before opening polls

22        Before opening the polls the inspector of election shall direct the  
23 following postings:

24        1. One of the sample ballots provided for in section 16-510, and  
25 one of the cards of instructions provided for in section 16-513 AND ONE OF  
26 THE "RIGHT TO VOTE A QUESTIONED BALLOT" NOTICES PROVIDED FOR IN SECTION  
27 16-513.01 in plain view in the room where the ballots are cast. At least  
28 four other sample ballots and cards of instructions shall be posted in  
29 conspicuous places in and around the polling place.

30        2. Three fifty-foot limit notices approximately fifty feet in  
31 different directions from the main outside entrance of the place in which  
32 the election is being held.

33        3. In each voting booth, a notice to voters provided in section  
34 16-514 at general elections only.

Rough Draft  
Folder #0015  
08/23/91 MR/bm

REFERENCE TITLE: elections; absentee voting

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 16-103, ARIZONA REVISED STATUTES; REPEALING SECTION 16-128, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-542, 16-543 AND 16-543.01, ARIZONA REVISED STATUTES; AMENDING TITLE 18, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-543.02; RELATING TO ELECTIONS AND ELECTORS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-103, Arizona Revised Statutes, is amended to read:

16-103. Qualified person temporarily absent from state;  
persons in the service of the United States

A. A qualified person temporarily absent from the state may register by filling out an affidavit of registration which shall be furnished upon request of the registrant by the county recorder of the county in which the registrant has residence pursuant to section 16-593. The registrant shall execute the affidavit of registration and administer the oath himself and shall return the affidavit to the county recorder.

B. The county recorder may accept a federal postcard application in lieu of an affidavit of registration from any qualified person covered under the ~~federal voting assistance act of 1955, as amended, (42 United States Code sections 1973ee through 1973ee-2, 1973ee-11 through 1973ee-15 and 1973ee-21 through 1973ee-26) or the overseas citizens voting rights act (42 United States Code sections 1973ee through 1973ee-6)~~ UNIFORMED AND OVERSEAS ABSENTEE VOTING ACT OF 1986 (P.L. 99-410; 42 UNITED STATES CODE SECTION 1973).

1 C. Any other provisions of law to the contrary notwithstanding,  
2 registration for any person in the United States service and the spouse  
3 and any dependent of such person if otherwise qualified to vote may be  
4 accomplished at any time prior to 7:00 p.m. of an election day. This  
5 subsection applies only to persons TEMPORARILY residing outside this  
6 state.

7 Sec. 2. Repeal

8 Section 16-128, Arizona Revised Statutes, is repealed.

9 Sec. 3. Section 16-542, Arizona Revised Statutes, is amended to  
10 read:

11 16-542. Request for ballot

12 A. Within ninety days next preceding the Saturday before any  
13 election called pursuant to the laws of this state, an elector may make a  
14 signed request to the county recorder, or other officer in charge of  
15 elections for the applicable political subdivision of this state in whose  
16 jurisdiction the elector is registered to vote, for an official absentee  
17 ballot. If the signed request indicates that the elector needs a primary  
18 election ballot and a general election ballot, the county recorder or  
19 other officer in charge of elections shall honor the request.

20 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A REQUEST FOR AN  
21 OFFICIAL ABSENTEE BALLOT FROM AN ABSENT UNIFORMED SERVICES VOTER OR  
22 OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS ABSENTEE VOTING  
23 ACT OF 1986 (P.L. 99-410; 42 UNITED STATES CODE SECTION 1973) THAT IS  
24 RECEIVED BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS  
25 MORE THAN NINETY DAYS NEXT PRECEDING THE SATURDAY BEFORE THE ELECTION IS  
26 VALID.

27 B- C. The recorder or other officer in charge of elections shall  
28 mail postage prepaid to the requesting elector the absentee ballot, the  
29 official application and the envelopes for their return within five days  
30 after receipt of the official absentee ballots from the officer charged by  
31 law with the duty of preparing ballots pursuant to section 16-545. If the  
32 request is made by the elector within thirty days next preceding the  
33 Saturday before the election, such mailing must be made within forty-eight  
34 hours after receipt of the request. Saturdays, Sundays and holidays are  
35 excluded from the computation of the forty-eight hour period prescribed by  
36 this subsection. IF THE REQUEST IS MADE BY AN ABSENT UNIFORMED SERVICES  
37 VOTER OR AN OVERSEAS VOTER MORE THAN NINETY DAYS NEXT PRECEDING THE  
38 SATURDAY BEFORE THE ELECTION, THE MAILING SHALL BE MADE WITHIN TWENTY-FOUR  
39 HOURS AFTER THE ABSENTEE BALLOTS ARE DELIVERED PURSUANT TO SECTION 16-545,  
40 SUBSECTION B, EXCLUDING SUNDAYS.

41 C- D. The county recorder or other officer in charge of elections  
42 shall direct the voting of an elector by absentee ballot when it appears  
43 that the request of the elector was received before five o'clock p.m. on  
44 the Friday preceding the election.

45 D- E. The county recorder or other officer in charge of absentee  
46 balloting shall provide an alphabetized list of all voters in the precinct  
47 who have requested and been sent an absentee ballot to the election board  
48 of the precinct in which the voter is registered not later than the day

1 prior to the election. No person shall vote at the polling place who has  
2 received an absentee ballot except pursuant to section 16-579, subsection  
3 a.

4 E. F. Qualified electors as a result of an emergency occurring  
5 between five o'clock p.m. on the Friday preceding the election and five  
6 o'clock p.m. on the Monday preceding the election may request to vote  
7 absentee in the manner prescribed by the county recorder of their  
8 respective county. For purposes of this section, "emergency" shall be  
9 defined as any unforeseen circumstances which would prevent the elector  
10 from voting at the polls.

11 Sec. 4. Section 16-543, Arizona Revised Statutes, is amended to  
12 read:

13 16-543. Application for ballot; United States service

14 ~~Any elector in the United States service, and the spouse and any~~  
15 ~~dependent of such elector if otherwise qualified to vote, may request an~~  
16 ~~absentee ballot with a federal postcard application, as provided for in~~  
17 ~~the federal voting assistance act of 1955 (Public Law 296, 84th Congress,~~  
18 ~~69 Stat. 584). ANY ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS~~  
19 ~~DEFINED IN THE UNIFORMED AND OVERSEAS ABSENTEE VOTING ACT OF 1986 (P.L.~~  
20 ~~99-410; 42 UNITED STATES CODE SECTION 1973) MAY REQUEST AN ABSENTEE BALLOT~~  
21 ~~WITH AN OFFICIAL POSTCARD FORM THAT CONTAINS BOTH AN ABSENTEE VOTER~~  
22 ~~REGISTRATION APPLICATION AND AN ABSENTEE BALLOT APPLICATION. Upon receipt~~  
23 ~~of such application, the county recorder or other officer in charge of~~  
24 ~~elections shall determine whether or not the elector is registered. If~~  
25 ~~the applicant is so registered, the recorder or other officer in charge of~~  
26 ~~elections shall forward to him an official absentee ballot. If the~~  
27 ~~applicant is not registered, and the request is for a ballot for use in a~~  
28 ~~county election but the federal postcard application is complete, the~~  
29 ~~recorder shall forward an official absentee ballot to the applicant. If~~  
30 ~~the applicant is not registered to vote and the federal postcard~~  
31 ~~application is not used or complete the recorder shall forward an~~  
32 ~~affidavit of registration as provided in section 16-103 and shall at the~~  
33 ~~same time forward to the unregistered applicant an official absentee~~  
34 ~~ballot and application.~~

35 Sec. 5. Section 16-543.01, Arizona Revised Statutes, is amended to  
36 read:

37 16-543.01. Procedures for voting with special write-in  
38 absentee ballots

39 A. Notwithstanding any other provision of law, any elector in the  
40 ~~United States service, or the spouse or dependent of such elector~~  
41 ~~qualified to vote, ELECTOR WHO IS AN ABSENT UNIFORMED SERVICES VOTER OR~~  
42 ~~OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS ABSENTEE VOTING~~  
43 ~~ACT OF 1986 (P.L. 99-410; 42 UNITED STATES CODE SECTION 1973) may request~~  
44 ~~not earlier than ninety days before an election a special write-in~~  
45 ~~absentee ballot if the elector submits with the request a statement that~~  
46 ~~provides that due to military or other contingencies that preclude normal~~  
47 ~~mail delivery, the elector cannot vote an absentee ballot during the~~  
48 ~~normal absentee voting period. The special write-in absentee ballots~~

1 shall be provided for presidential electors and United States senator and  
2 representative in Congress.

3 B. The request for a special write-in absentee ballot may be made  
4 on a federal postcard application.

5 C. Upon receipt of such request, the county recorder shall  
6 immediately forward to the elector a special write-in absentee ballot and  
7 application in a form prescribed and provided by the secretary of state.  
8 Upon receipt of such request, the recorder shall determine whether or not  
9 the elector is registered. If the elector is so registered, the recorder  
10 shall forward to him a special write-in absentee ballot and application.  
11 If the applicant is not registered but the federal postcard application is  
12 complete, the recorder shall forward a special write-in absentee ballot  
13 and application to the applicant. If the applicant is not registered and  
14 the federal postcard application is not used or complete, the recorder  
15 shall forward an affidavit of registration as provided in section 16-103  
16 and shall at the same time forward to the unregistered applicant a special  
17 write-in absentee ballot and application. The recorder shall send with  
18 the special write-in absentee ballot a list of all candidates who have  
19 qualified for the primary ballot by the sixtieth day before the primary  
20 election or who have qualified for the general ballot by the fiftieth day  
21 before the general election. The elector shall be entitled to write in  
22 the name of any candidate who has qualified for a specific office listed  
23 on the ballot, whether the candidate is seeking the nomination or election  
24 to such office.

25 D. Write-in votes on special write-in absentee ballots shall be  
26 counted in the same manner provided by law for the counting of other  
27 write-in votes.

28 Sec. 6. Title 16, chapter 4, article 8, Arizona Revised Statutes,  
29 is amended by adding section 16-543.02, to read:

30 16-543.02. Federal write-in absentee ballots; procedure

31 A. AN OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS  
32 ABSENTEE VOTING ACT OF 1986 (P.L. 99-410; 42 UNITED STATES CODE SECTION  
33 1973) WHO IS ABSENT FROM THE PLACE OF RESIDENCE IN THIS STATE WHERE HE IS  
34 OTHERWISE QUALIFIED TO VOTE MAY USE A FEDERAL WRITE-IN ABSENTEE BALLOT IN  
35 A GENERAL ELECTION FOR THE OFFICES OF PRESIDENTIAL ELECTOR, UNITED STATES  
36 SENATOR AND REPRESENTATIVE IN CONGRESS IF THE VOTER APPLIES FOR A REGULAR  
37 ABSENTEE BALLOT NOT LESS THAN THIRTY DAYS BEFORE THE GENERAL ELECTION AND  
38 DOES NOT RECEIVE THAT ABSENTEE BALLOT.

39 B. A FEDERAL WRITE-IN ABSENTEE BALLOT OF AN OVERSEAS VOTER SHALL  
40 NOT BE COUNTED IF ANY OF THE FOLLOWING CONDITIONS IS MET:

41 1. THE BALLOT IS SUBMITTED FROM ANY LOCATION IN THE UNITED STATES.

42 2. IF THE APPLICATION OF THE OVERSEAS VOTER FOR A REGULAR ABSENTEE  
43 BALLOT IS RECEIVED BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
44 ELECTIONS LESS THAN THIRTY DAYS BEFORE THE GENERAL ELECTION.

45 3. A REGULAR ABSENTEE BALLOT FROM THE OVERSEAS VOTER IS RECEIVED BY  
46 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS NOT LATER THAN  
47 SEVEN O'CLOCK P.M. ON THE ELECTION DAY.

1 C. AN OVERSEAS VOTER WHO COMPLETES A FEDERAL WRITE-IN ABSENTEE  
2 BALLOT MAY DESIGNATE A CANDIDATE BY WRITING IN THE NAME OF THE CANDIDATE  
3 OR BY WRITING IN THE NAME OF A POLITICAL PARTY IN WHICH CASE THE BALLOT  
4 SHALL BE COUNTED FOR THE CANDIDATE OF THAT POLITICAL PARTY. IN THE CASE  
5 OF THE OFFICES OF PRESIDENT AND VICE PRESIDENT, A VOTE FOR A NAMED  
6 CANDIDATE OR IN THE NAME OF THE POLITICAL PARTY SHALL BE COUNTED AS A VOTE  
7 FOR THAT CANDIDATE'S OR PARTY'S PRESIDENTIAL ELECTORS. ANY ABBREVIATION,  
8 MISSPELLING OR OTHER MINOR VARIATION IN THE FORM OF THE NAME OF A  
9 CANDIDATE OR POLITICAL PARTY SHALL BE DISREGARDED IN DETERMINING THE  
10 VALIDITY OF THE BALLOT IF THE INTENTION OF THE VOTER CAN BE ASCERTAINED.

Rough Draft  
Folder #0021  
09/03/91 MR/pw

REFERENCE TITLE: elections inspectors and judges

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 16-532, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-532, Arizona Revised Statutes, is amended to read:

16-532. Instruction of election board inspectors and judges; certificate of qualification; optional training; instruction of counting center election officials

A. Not more than thirty days prior to an election the board of supervisors or other authority in charge of elections shall conduct a class for the instruction of ~~election board members~~ INSPECTORS AND JUDGES OF THE ELECTION BOARD in their duties, which shall include instruction in the voting system to be used and the election laws applicable to such elections. Each election board member receiving instructions and properly qualified shall receive a certificate of qualification. Only election board ~~members~~ INSPECTORS AND JUDGES OF THE ELECTION BOARD who have received the required instruction class shall serve at any election, except as provided pursuant to sections 16-533 and 16-534. OTHER MEMBERS OF THE ELECTION BOARD MAY BE TRAINED AT THE SAME TIME.

B. The instructor of election board members shall be qualified in election law and shall have had practical experience in the election process such person is teaching.

1 C. The election authority in charge of the instructional classes  
2 may conduct multiple sessions to insure that election board members  
3 receive adequate instruction.

4 D. THE BOARD OF SUPERVISORS MAY APPROVE AN ALTERNATE METHOD OF  
5 INSTRUCTION AND TESTING FOR ELECTION BOARD MEMBERS. EACH ELECTION BOARD  
6 MEMBER WHO SUCCESSFULLY COMPLETES THE INSTRUCTION SHALL BE CERTIFIED AS A  
7 PREMIUM BOARD WORKER. THIS INSTRUCTION SHALL INCLUDE AT LEAST EIGHT  
8 CLASSROOM HOURS OF INSTRUCTION AND A WRITTEN EXAMINATION ON ELECTION LAW  
9 AND ELECTION PROCEDURES. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS  
10 SECTION, A CERTIFIED PREMIUM BOARD WORKER SHALL NOT BE REQUIRED TO RECEIVE  
11 ADDITIONAL INSTRUCTION FOR AT LEAST THIRTY MONTHS FROM THE DATE OF THAT  
12 WORKER'S INDIVIDUAL CERTIFICATION. THE BOARD OF SUPERVISORS MAY APPROVE  
13 ADDITIONAL COMPENSATION FOR CERTIFIED PREMIUM BOARD WORKERS.

14 E. THE BOARD OF SUPERVISORS OR OTHER AUTHORITY IN CHARGE OF  
15 ELECTIONS MAY REQUIRE ADDITIONAL TRAINING AT ANY TIME FOR ANY OR ALL  
16 ELECTION BOARD WORKERS, INCLUDING PREMIUM BOARD WORKERS. THE BOARD OF  
17 SUPERVISORS OR OTHER AUTHORITY IN CHARGE OF ELECTIONS SHALL NOTIFY  
18 ELECTION BOARD WORKERS IN WRITING OF CHANGES IN THE LAW REGARDING  
19 ELECTIONS OR CHANGES IN ELECTION PROCEDURES. THIS NOTIFICATION SHALL BE  
20 MADE IMMEDIATELY PRECEDING THE ELECTION IN WHICH THE STATUTORY CHANGE OR  
21 PROCEDURAL CHANGE REGARDING ELECTION LAW BECOMES EFFECTIVE.

22 ~~0-~~ F. Not more than thirty days prior to the day of an election  
23 utilizing a punch card method of voting and electromechanical tabulation  
24 of ballots, the board of supervisors or other authority in charge of  
25 elections shall conduct a class for the deputized counting center election  
26 officials in their duties.



Rough Draft  
Folder #0020  
09/12/91 TDB/bm

REFERENCE TITLE: voter qualifications; nominating procedures

State of Arizona  
House of Representatives  
Fortieth Legislature  
Second Special Session  
1991

H. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTIONS 16-101, 16-121, 16-314, 16-315, 16-344 AND 16-351,  
ARIZONA REVISED STATUTES; AMENDING SECTION 16-542, ARIZONA REVISED  
STATUTES, AS AMENDED BY LAWS 1991, CHAPTER 310, SECTION 22; RELATING TO  
ELECTIONS.

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 16-101, Arizona Revised Statutes, is amended to  
3 read:  
4 16-101. Qualifications of registrant  
5 A. Every resident of the state is qualified to register to vote if  
6 he:  
7 1. Is a citizen of the United States.  
8 2. Will be eighteen years of age or more on or before the date of  
9 the regular general election next following his registration.  
10 3. Will have been a resident of the state twenty-nine days next  
11 preceding the election, except as provided in section 16-126.  
12 4. Is able to write his name or make his mark, unless prevented  
13 from so doing by physical disability.  
14 5. Has not been convicted of treason or a felony, unless restored  
15 to civil rights.  
16 6. Is not under guardianship, non compos mentis or insane.  
17 B. A TEMPORARY ABSENCE FROM THIS STATE OR FROM ANY OF ITS POLITICAL  
18 SUBDIVISIONS DOES NOT RESULT IN A LOSS OF RESIDENCE IF THE INDIVIDUAL  
19 INTENDS TO RETURN TO THIS STATE OR TO THE POLITICAL SUBDIVISION.  
20 C. FOR PURPOSES OF THIS CHAPTER, AN INDIVIDUAL SHALL NOT HAVE MORE  
21 THAN ONE RESIDENCE.  
22 Sec. 2. Section 16-121, Arizona Revised Statutes, is amended to  
23 read:

1 16-121. Qualified elector defined

2 A person who ~~has~~ IS QUALIFIED TO REGISTER TO VOTE PURSUANT TO  
3 SECTION 16-101 AND WHO IS properly registered to vote shall, if he is at  
4 least eighteen years of age on or before the date of the election, be  
5 deemed a qualified elector for any purpose for which such qualification is  
6 required by law, except as provided in section 16-126.

7 Sec. 3. Section 16-314, Arizona Revised Statutes, is amended to  
8 read:

9 16-314. Filing and form of nomination petitions;  
10 definition

11 A. Any person desiring to become a candidate at any election and to  
12 have his name printed on the official ballot shall, within the same time  
13 and with the same officer as provided by section 16-311, file a nomination  
14 petition in addition to the nomination paper required.

15 B. As used in this title, "nomination petition" means the form or  
16 forms used for obtaining the required number of signatures of qualified  
17 electors, which is circulated by or on behalf of the person wishing to  
18 become a candidate for a political office.

19 C. Nomination petitions shall be captioned "partisan nomination  
20 petition" or "nonpartisan nomination petition", followed by the language  
21 of the petition in substantially the following form:

22 Partisan Nomination Petition

23 "I, the undersigned, a qualified elector of the county  
24 of \_\_\_\_\_, state of Arizona, and of (here name  
25 political division or district from which the nomination is  
26 sought) and a member of the \_\_\_\_\_ party, hereby  
27 nominate \_\_\_\_\_ who resides at \_\_\_\_\_ in the  
28 county of \_\_\_\_\_ for the party nomination for the  
29 office of \_\_\_\_\_ to be voted at the primary election  
30 to be held \_\_\_\_\_ as representing the principles of  
31 such party, and I hereby declare that I AM QUALIFIED TO VOTE  
32 FOR THIS OFFICE AND THAT I have not signed, and will not sign,  
33 any nomination petition for more persons than the number of  
34 candidates necessary to fill such office at the next ensuing  
35 election."

36 Nonpartisan Nomination Petition

37 "I, the undersigned, a qualified elector of the county  
38 of \_\_\_\_\_, state of Arizona, and of (here name  
39 political division or district from which the nomination is  
40 sought) hereby nominate \_\_\_\_\_ who resides at  
41 \_\_\_\_\_ in the county of \_\_\_\_\_ for the  
42 office of \_\_\_\_\_ to be voted at the \_\_\_\_\_  
43 election to be held \_\_\_\_\_, and hereby declare that I  
44 AM QUALIFIED TO VOTE FOR THIS OFFICE AND THAT I have not  
45 signed and will not sign any nomination petitions for more  
46 persons than the number of candidates necessary to fill such  
47 office at the next ensuing election."

48 D. The nomination petition of a person seeking to fill an  
49 unexpired vacant term for any public office shall designate the

1 expiration date of the term following the name of the office being  
2 sought.

3 Sec. 4. Section 16-315, Arizona Revised Statutes, is amended to  
4 read:

5 16-315. Form of petitions

6 A. The nomination petitions shall be in substantially the following  
7 form:

8 1. Petitions shall be on paper fourteen inches long and eight and  
9 one-half inches wide.

10 2. Petitions shall be headed by a caption stating the purpose of  
11 the petition, followed by the body of the petition stating the intent of  
12 the petitioners.

13 3. There shall be twenty-five lines spaced three-eighths of an inch  
14 apart and consecutively numbered one through twenty-five.

15 4. The signature portion of the petition shall be divided into  
16 columns headed by the titles: signature ~~as registered~~; PRINTED NAME;  
17 residence ~~or mailing address, city, town or post office~~ OR, IF NO STREET  
18 ADDRESS, A DESCRIPTION OF RESIDENCE LOCATION; and date of signing.

19 5. A photograph of the candidate may appear on the nomination  
20 petition.

21 8. The following shall appear on the petition:

22 Instructions for Circulators

23 1. All petitions shall be signed by circulator.

24 2. Circulator must be a qualified elector of this state.

25 3. Circulator's name shall be typed or printed under such person's  
26 signature.

27 4. The elector shall sign ~~with the elector's given name, middle~~  
28 ~~initial or middle name, if any, and surname under which registered~~ HIS  
29 FIRST AND LAST NAME.

30 5. THE ELECTOR SHALL PRINT HIS FIRST AND LAST NAME BENEATH HIS  
31 SIGNATURE.

32 C. The secretary of state shall prepare sample nomination petition  
33 forms and distribute such forms to all election officers.

34 Sec. 5. Section 16-344, Arizona Revised Statutes, is amended to  
35 read:

36 16-344. Office of presidential elector; appointment by  
37 state committee chairman

38 The chairman of the state committee of a political party which is  
39 qualified for ~~continued~~ representation on the ~~ballot as provided in~~  
40 ~~section 16-804~~ AN OFFICIAL PARTY BALLOT AT THE PRIMARY ELECTION AND  
41 ACCORDED A COLUMN ON THE GENERAL ELECTION BALLOT shall appoint candidates  
42 for the office of presidential elector equal to the number of United  
43 States senators and representatives in Congress from this state and shall  
44 file a nomination paper and affidavit for each candidate in compliance  
45 with the requirements for candidates as provided in section 16-311.

46 Sec. 6. Section 16-351, Arizona Revised Statutes, is amended to  
47 read:

48 16-351. Limitations on appeals of validity of nomination  
49 petitions

1 A. Any elector filing any court action challenging the nomination  
2 petitions provided for in this chapter shall do so within five days,  
3 excluding Saturday, Sunday and legal holidays, after the last day for  
4 filing nomination papers and petitions. Within ten days after the filing  
5 of the action, the superior court shall hear and render a decision on the  
6 matter. Such decision shall be appealable only to the supreme court, and  
7 notice of appeal shall be filed within five days after the decision of the  
8 superior court in the action. The supreme court shall hear and render a  
9 decision on the appeal promptly.

10 8. IN ANY ACTION CHALLENGING A NOMINATION PETITION, THE FOLLOWING  
11 PERSONS ARE INDISPENSABLE PARTIES TO THE ACTION AND SHALL BE NAMED AND  
12 SERVED AS DEFENDANTS:

- 13 1. THE CANDIDATE WHOSE PETITION IS THE SUBJECT OF THE CHALLENGE.
- 14 2. THE OFFICER WITH WHOM THE PETITIONS ARE REQUIRED TO BE FILED.
- 15 3. THE BOARD OF SUPERVISORS OF EACH COUNTY OR THE CLERK OF EACH  
16 CITY OR TOWN WHO IS RESPONSIBLE FOR PREPARING THE BALLOTS THAT CONTAIN THE  
17 CHALLENGED CANDIDATE'S NAME.

18 ~~B-~~ C. For the purposes of an action challenging nomination  
19 petitions, THE BOARD OF SUPERVISORS OF EACH COUNTY OR THE CLERK OF EACH  
20 CITY OR TOWN RESPONSIBLE FOR PREPARING THE BALLOTS THAT CONTAIN THE  
21 CHALLENGED CANDIDATE'S NAME AND each person filing a nomination petition  
22 under this chapter appoints the officer with whom he files his nomination  
23 paper and petitions as his agent to receive service of process. AN ACTION  
24 CHALLENGING A NOMINATION PETITION SHALL BE SERVED IMMEDIATELY AFTER THE  
25 ACTION IS FILED AND IN NO EVENT MORE THAN TWENTY-FOUR HOURS AFTER FILING  
26 THE ACTION EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS.  
27 Immediately upon receipt of process served upon the officer as agent for a  
28 person filing a nomination petition, the officer shall mail the process to  
29 the person AND SHALL NOTIFY HIM BY TELEPHONE OF THE FILING OF THE ACTION.

30 ~~E-~~ D. Notwithstanding the system used pursuant to section 16-163,  
31 subsection C, the most current version of the general county register at  
32 the time of filing of a court action challenging a nomination petition  
33 shall constitute the official record to be used to determine on a prima  
34 facie basis by the challenger that the signer of a petition was not  
35 registered to vote at the address given on the date of signing of the  
36 petition. THIS SUBSECTION DOES NOT PRECLUDE THE CHALLENGED CANDIDATE FROM  
37 INTRODUCING INTO EVIDENCE A CERTIFIED COPY OF THE AFFIDAVIT OF  
38 REGISTRATION OF ANY SIGNER OF A PETITION DATED PRIOR TO THE SIGNING OF THE  
39 PETITION IF THE AFFIDAVIT IS IN THE POSSESSION OF THE COUNTY RECORDER BUT  
40 HAS NOT YET BEEN FILED IN THE GENERAL COUNTY REGISTER.

41 Sec. 7. Section 16-542, Arizona Revised Statutes, as amended by  
42 Laws 1991, chapter 310, section 22, is amended to read:

43 16-542. Request for ballot

44 A. Within ninety days next preceding the Saturday before any  
45 election called pursuant to the laws of this state, an elector may make a  
46 signed request to the county recorder, or other officer in charge of  
47 elections for the applicable political subdivision of this state in whose  
48 jurisdiction the elector is registered to vote, for an official absentee  
49 ballot. If the signed request indicates that the elector needs a primary

1 election ballot and a general election ballot, the county recorder or  
2 other officer in charge of elections shall honor the request.

3 B. The recorder or other officer in charge of elections shall mail  
4 postage prepaid to the ADDRESS PROVIDED BY THE requesting elector, WHICH  
5 ADDRESS SHALL BE THE ELECTOR'S RESIDENCE ADDRESS OR THE LOCATION WHERE HE  
6 IS TEMPORARILY RESIDING WHILE ABSENT FROM HIS PRECINCT, the absentee  
7 ballot and the envelope for its return within five days after receipt of  
8 the official absentee ballots from the officer charged by law with the  
9 duty of preparing ballots pursuant to section 16-545. Only the elector  
10 may be in possession of that elector's unvoted absentee ballot, either at  
11 his place of residence or at a location where he is temporarily residing  
12 while absent from his precinct. If the request is made by the elector  
13 within thirty days next preceding the Saturday before the election, such  
14 mailing must be made within forty-eight hours after receipt of the  
15 request. Saturdays, Sundays and holidays are excluded from the  
16 computation of the forty-eight hour period prescribed by this subsection.

17 C. The county recorder or other officer in charge of elections  
18 shall direct the voting of an elector by absentee ballot when it appears  
19 that the request of the elector was received before five o'clock p.m. on  
20 the Friday preceding the election.

21 D. The county recorder or other officer in charge of absentee  
22 balloting shall provide an alphabetized list of all voters in the precinct  
23 who have requested and HAVE been sent an absentee ballot to the election  
24 board of the precinct in which the voter is registered not later than the  
25 day prior to the election. No person shall vote at the polling place who  
26 has received an absentee ballot except pursuant to section 16-579,  
27 subsection B.

28 E. Qualified electors as a result of an emergency occurring between  
29 five o'clock p.m. on the Friday preceding the election and five o'clock  
30 p.m. on the Monday preceding the election may request to vote absentee in  
31 the manner prescribed by the county recorder of their respective county.  
32 For purposes of this subsection, "emergency" means any unforeseen  
33 circumstances which would prevent the elector from voting at the polls.

**APPENDIX D**  
**DRAFT LEGISLATION**  
**CAMPAIGN ETHICS**

Rough Draft  
Folder #0018  
09/12/91 MR/bm

REFERENCE TITLE: campaign ethics; enforcement

State of Arizona  
Senate  
Fortieth Legislature  
Second Special Session  
1991

S. B. \_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING TITLE 41, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; RELATING TO THE ARIZONA ELECTION AND ETHICS COMMISSION.

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 41, chapter 4, Arizona Revised Statutes, is  
3 amended by adding article 8, to read:

4 ARTICLE 8. ARIZONA ELECTION AND ETHICS COMMISSION  
5 41-811. Arizona election and ethics commission; members;  
6 terms; compensation; meetings; staff

7 A. THE ARIZONA ELECTION AND ETHICS COMMISSION IS ESTABLISHED . . .

8 (COMMISSION TO BE ESTABLISHED PURSUANT TO SEPARATE BILL)

9 41-811.01. Arizona election and ethics commission; ethics  
10 enforcement; rules; penalties; definition

11 A. THE ARIZONA ELECTION AND ETHICS COMMISSION HAS THE POWER TO  
12 RECEIVE ANY ETHICS COMPLAINT FILED AGAINST A CANDIDATE FOR PUBLIC OFFICE,  
13 AGAINST A REGISTERED LOBBYIST OR AGAINST A PUBLIC OFFICIAL OF THE  
14 EXECUTIVE BRANCH OF STATE OR LOCAL GOVERNMENT. COMPLAINTS MAY BE FILED BY  
15 A MEMBER OF THE PUBLIC. COMPLAINTS FILED WITH THE COMMISSION MUST BE IN  
16 WRITING AND SIGNED BY THE COMPLAINANT.

17 B. THE ARIZONA ELECTION AND ETHICS COMMISSION SHALL NOT CONDUCT  
18 INVESTIGATIONS INVOLVING THE FOLLOWING:

19 1. THE CONDUCT OR RESULTS OF A SPECIFIC ELECTION.

1           2. THE CONDUCT OF ANY MEMBER OF THE LEGISLATURE OTHER THAN:  
2           (a) THE MEMBER'S CONDUCT AS A CANDIDATE FOR PUBLIC OFFICE.  
3           (b) THE MEMBER'S CONDUCT IN ACTIVELY SUPPORTING OR OPPOSING ANOTHER  
4 CANDIDATE FOR PUBLIC OFFICE.  
5           3. DISPUTES RELATING TO THE ELECTION AND QUALIFICATION OF ANY  
6 MEMBER OF THE LEGISLATURE.  
7           4. THE CONDUCT OF ANY JUDICIAL OFFICER OF THIS STATE.  
8           C. IN INTERPRETING THE RESTRICTIONS CONTAINED IN SUBSECTION B, THE  
9 COMMISSION SHALL OBSERVE THE SEPARATION OF POWERS OF ARTICLE III,  
10 CONSTITUTION OF ARIZONA.  
11           D. THE COMMISSION SHALL NOTIFY THE PERSON AGAINST WHOM A COMPLAINT  
12 HAS BEEN FILED WITHIN TWO BUSINESS DAYS OF RECEIPT OF THE COMPLAINT.  
13 NOTICE SHALL BE MADE BY CERTIFIED MAIL AND SHALL INCLUDE A COPY OF THE  
14 COMPLAINT, ANY SUPPORTING DOCUMENTATION ACCOMPANYING THE COMPLAINT AND A  
15 COPY OF THE TEXT OF THIS SECTION. WITHIN SEVEN DAYS AFTER MAILING THE  
16 NOTICE, THE PERSON AGAINST WHOM A COMPLAINT HAS BEEN FILED MAY FILE A  
17 RESPONSE WITH THE COMMISSION. ON RECEIPT OF THE RESPONSE OR THE  
18 EXPIRATION OF THE SEVEN DAY PERIOD, WHICHEVER IS SOONER, THE COMMISSION,  
19 BY MAJORITY VOTE, SHALL EITHER DISMISS THE COMPLAINT WITHIN SEVEN DAYS OR  
20 PROCEED WITH A FORMAL INVESTIGATION. IF THE COMPLAINT IS DISMISSED, THE  
21 COMPLAINT AND ANSWER ARE TO BE KEPT CONFIDENTIAL. IF THE COMMISSION VOTES  
22 TO PROCEED WITH A FORMAL INVESTIGATION, THE PERSON AGAINST WHOM A  
23 COMPLAINT HAS BEEN FILED SHALL BE NOTIFIED BY CERTIFIED MAIL, A FORMAL  
24 HEARING DATE SHALL BE SET AND THE COMPLAINT AND ANSWER SHALL BE MADE  
25 PUBLIC. A FORMAL HEARING SHALL BEGIN AT LEAST FIVE DAYS BUT NOT MORE THAN  
26 TWENTY DAYS AFTER THE NOTICE HAS BEEN MAILED. FAILURE TO FILE AN ANSWER  
27 SHALL NOT BE DEEMED TO BE AN ADMISSION OR TO CREATE AN INFERENCE OR  
28 PRESUMPTION THAT THE COMPLAINT IS TRUE. A MAJORITY OF THE COMMISSION MAY  
29 MODIFY THE TIME PERIODS CONTAINED IN THIS SUBSECTION.  
30           E. THE ARIZONA ELECTION AND ETHICS COMMISSION MAY:  
31           1. ISSUE AND ENFORCE SUBPOENAS COMPELLING THE ATTENDANCE AND  
32 TESTIMONY OF WITNESSES OR DEMANDING THE PRODUCTION OF PHYSICAL EVIDENCE  
33 WITH REGARD TO AN INVESTIGATION CONDUCTED PURSUANT TO THIS SECTION.  
34           2. AFTER THE INVESTIGATION OF A COMPLAINT, IMPOSE CIVIL PENALTIES  
35 OF NOT MORE THAN ONE THOUSAND DOLLARS FOR ANY VIOLATION OF THIS ARTICLE.  
36           3. AFTER THE INVESTIGATION OF A COMPLAINT, FORWARD THE COMPLAINT TO  
37 THE APPROPRIATE LAW ENFORCEMENT AGENCY IF THE COMMISSION DETERMINES THAT  
38 SUCH ACTION IS WARRANTED.  
39           F. FOR PURPOSES OF THIS SECTION, "ETHICS COMPLAINT" MEANS A  
40 COMPLAINT BROUGHT BEFORE THE ARIZONA ELECTION AND ETHICS COMMISSION  
41 AGAINST A CANDIDATE FOR PUBLIC OFFICE, A REGISTERED LOBBYIST, A COMMITTEE  
42 SUPPORTING OR OPPOSING ANY INITIATIVE, REFERENDUM OR OTHER MEASURE TO BE  
43 SUBMITTED TO A VOTE OF THE PUBLIC OR A PUBLIC OFFICIAL OF THE EXECUTIVE  
44 BRANCH OF STATE OR LOCAL GOVERNMENT THAT ALLEGES:  
45           1. A VIOLATION OF THE CAMPAIGN FINANCE LAWS OF THIS STATE.  
46           2. A VIOLATION OF THE FINANCIAL DISCLOSURE LAWS OF THIS STATE.  
47           3. A VIOLATION OF THE CONFLICT OF INTEREST LAWS OF THIS STATE.  
48           4. THE PROHIBITED EMPLOYMENT OF RELATIVES.



- 1 5. BRIBERY.
- 2 6. NONFEASANCE OR MISFEASANCE IN OFFICE.
- 3 7. PROHIBITED PERSONNEL PRACTICES.
- 4 8. AN INTENTIONAL ATTEMPT TO MISLEAD THE VOTERS REGARDING A PUBLIC
- 5 OFFICIAL'S VOTING HISTORY.
- 6 9. THE KNOWING ISSUANCE OF A STATEMENT, WHETHER VERBAL OR WRITTEN,
- 7 BY A CANDIDATE THAT IS UNTRUE AND THAT HAS A SERIOUS DETRIMENTAL EFFECT ON
- 8 ANOTHER CANDIDATE'S REPUTATION.
- 9 G. DECISIONS RENDERED BY THE COMMISSION MAY BE APPEALED TO THE
- 10 SUPERIOR COURT.

Rough Draft  
Folder #0017  
09/12/91 MR/bm

REFERENCE TITLE: ethics handbook

State of Arizona  
Senate  
Fortieth Legislature  
Second Special Session  
1991

S. B. \_\_\_\_\_

Introduced by \_\_\_\_\_

AN ACT

AMENDING TITLE 38, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO ETHICS.

Be it enacted by the Legislature of the State of Arizona:  
Section 1. Title 38, chapter 1, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2. ETHICS

38-111. Employee handbook on ethics; contents; affidavit

A. BY JANUARY 1, 1993 THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THIS STATE AND EACH POLITICAL SUBDIVISION OF THIS STATE SHALL PUBLISH AN ETHICS HANDBOOK. THE HANDBOOK MAY BE PUBLISHED AS A SEPARATE DOCUMENT OR AS PART OF A PERSONNEL MANUAL THAT IS DISTRIBUTED TO EACH OFFICER OR EMPLOYEE. THE HANDBOOK SHALL INCLUDE BUT NOT BE LIMITED TO COPIES OF STATUTES, ORDINANCES, RULES OR POLICIES OF THE GOVERNMENTAL BRANCH CONCERNING:

1. CAMPAIGN FINANCE.
2. PROCEDURES FOR BEING APPOINTED TO OFFICE.
3. CONFLICTS OF INTEREST.
4. EMPLOYMENT OF RELATIVES.
5. FINANCIAL DISCLOSURE.
6. BRIBERY.
7. NONFEASANCE OR MISFEASANCE IN OFFICE.
8. PROHIBITED PERSONNEL PRACTICES.
9. MISUSE OF PUBLIC MONIES.
- B. IF THERE ARE CHANGES TO THE APPLICABLE STATUTES, ORDINANCES, RULES OR POLICIES, THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THIS STATE

1 SHALL AMEND AND REPUBLISH THE HANDBOOK EVERY FOUR YEARS OR MORE OFTEN,  
2 WHENEVER IT IS PRACTICABLE TO DO SO. EACH BRANCH SHALL DISTRIBUTE THE  
3 HANDBOOK AS AMENDED TO OFFICERS AND EMPLOYEES EXEMPTED FROM THE OVERTIME  
4 OR COMPENSATORY TIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938  
5 (52 STAT. 1060; 29 UNITED STATES CODE SECTION 201) AND TO MEMBERS OF THEIR  
6 BOARDS, COMMITTEES, COMMISSIONS AND COUNCILS THAT ARE ESTABLISHED BY LAW.  
7 AD HOC COMMITTEE MEMBERS MAY RECEIVE A COPY OF THE HANDBOOK OR BE  
8 INSTRUCTED WHERE A PUBLIC COPY MAY BE FOUND FOR REFERENCE.

9 C. PERSONS WHO ARE NOMINATED FOR APPOINTIVE OFFICE SHALL RECEIVE A  
10 HANDBOOK AT THE TIME OF NOMINATION. CANDIDATES FOR PUBLIC OFFICE SHALL  
11 RECEIVE A HANDBOOK NO LATER THAN THE TIME THEY FILE THEIR NOMINATION  
12 PETITIONS. ALL OTHER EXEMPT OFFICERS AND EMPLOYEES SHALL RECEIVE THE  
13 HANDBOOK AT THE TIME THEY ACCEPT THEIR POSITION.

14 D. STATE EMPLOYEES AND OFFICERS WHO ARE EMPLOYED BY THIS STATE ON  
15 OR BEFORE JANUARY 1, 1993 AND WHO ARE EXEMPT FROM THE OVERTIME OR  
16 COMPENSATORY TIME PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 (52  
17 STAT. 1060; 29 UNITED STATES CODE SECTION 201) SHALL RECEIVE THE HANDBOOK  
18 BY FEBRUARY 1, 1993.

19 E. EACH OFFICER, EMPLOYEE AND MEMBER WHO RECEIVES A HANDBOOK  
20 PURSUANT TO THIS SECTION SHALL FILE AN AFFIDAVIT THAT ATTESTS THAT HE HAS  
21 READ THE HANDBOOK WITHIN THREE WEEKS FOLLOWING RECEIPT. CANDIDATES FOR  
22 PUBLIC OFFICE SHALL FILE THE AFFIDAVIT WITH AND AT THE TIME THEY FILE  
23 THEIR NOMINATION PETITIONS. THIS AFFIDAVIT SHALL BE FILED WITH THE  
24 SECRETARY OF STATE OR HIS DESIGNEE IF THE PERSON IS A STATE OFFICER OR  
25 MEMBER. STATE EMPLOYEES SHALL FILE THE AFFIDAVIT WITH A DESIGNATED  
26 SUPERVISOR. OFFICERS, EMPLOYEES AND MEMBERS OF GOVERNMENTAL BRANCHES  
27 OTHER THAN THE STATE SHALL FILE THE AFFIDAVIT WITH THE CLERK OF THE  
28 GOVERNING BODY OF THE POLITICAL SUBDIVISION OR HIS DESIGNEE.

29 F. BOTH BRANCHES OF GOVERNMENT THAT PUBLISH A HANDBOOK PURSUANT TO  
30 THIS SECTION SHALL MAKE A COPY OF THE HANDBOOK AVAILABLE TO ALL OF THEIR  
31 EMPLOYEES OR TO MEMBERS OF THE PUBLIC FOR INSPECTION ON REQUEST.

32 G. THIS SECTION DOES NOT APPLY TO POLITICAL SUBDIVISIONS  
33 ESTABLISHED UNDER TITLE 48.

34 H. EACH REVISION AFTER JANUARY 1, 1993 OF THE HANDBOOK REQUIRED  
35 UNDER SECTION 41-783 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE INFORMATION  
36 DESCRIBED IN SUBSECTION A OF THIS SECTION.

STATE OF ARIZONA  
40th LEGISLATURE  
FIRST REGULAR SESSION

REFERENCE TITLE: legislators; conflict of interest

HOUSE

**HB 2480**

Introduced  
February 14, 1991

Referred on February 14, 1991

Rules

Judiciary

Introduced By

Representatives Mundell, Gerard, Killian; Eskesen, Grace, Kromko, Laybe,  
McCarroll, Ortega, Senator English

AN ACT

AMENDING SECTION 38-502, ARIZONA REVISED STATUTES; RELATING TO CONFLICT OF INTEREST.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 38-502, Arizona Revised Statutes, is amended to read:

38-502. Definitions

In this article, unless the context otherwise requires:

1. "Compensation" means money, a tangible thing of value or a financial benefit.

2. "Employee" means all persons who are not public officers AND who are employed on a full-TIME, part-time or contract basis by an incorporated city or town, a political subdivision or the state or any of its departments, commissions, agencies, bodies or boards for remuneration.

3. "Make known" means the filing of a paper WHICH IS signed by a public officer or employee AND which fully discloses a substantial interest or the filing of a copy of the official minutes of a public agency which fully discloses a substantial interest. The filing shall be in the special file established pursuant to section 38-509.

4. "Official records" means the minutes or papers, records and documents maintained by a public agency for the specific purpose of receiving disclosures of substantial interests required to be made known by this article.

5. "Political subdivision" means all political subdivisions of the state and county, including all school districts.

6. "Public agency" means:

(a) All courts.

(b) Any department, agency, board, commission, institution, instrumentality, OR legislative or administrative body of the state, A county, AN incorporated town or city and any other political subdivision.

- 1 (c) The state, county and incorporated cities or towns and any
- 2 other political subdivisions.
- 3 7. "Public competitive bidding" means the method of purchasing
- 4 defined in title 41, chapter 4, article 3, or procedures substantially
- 5 equivalent to such method of purchasing or as provided by local charter or
- 6 ordinance.
- 7 8. "Public officer" means all elected and appointed officers of a
- 8 public agency established by charter, ordinance, resolution, state
- 9 constitution or statute, ~~but excluding members of the legislature.~~
- 10 9. "Relative" means the spouse, child, child's child, parent,
- 11 grandparent, brother or sister of the whole or half blood and their
- 12 spouses and the parent, brother, sister or child of a spouse.
- 13 10. "Remote interest" means:
- 14 (a) That of a nonsalaried officer of a nonprofit corporation.
- 15 (b) That of a landlord or tenant of the contracting party.
- 16 (c) That of an attorney of a contracting party.
- 17 (d) That of a member of a nonprofit cooperative marketing
- 18 association.
- 19 (e) The ownership of less than three per cent of the shares of a
- 20 corporation for profit, provided the total annual income from dividends,
- 21 including the value of stock dividends, from the corporation does not
- 22 exceed five per cent of the total annual income of such officer or
- 23 employee and any other payments made to him by the corporation do not
- 24 exceed five per cent of his total annual income.
- 25 (f) That of a public officer or employee in being reimbursed for
- 26 his actual and necessary expenses incurred in the performance of official
- 27 duty.
- 28 (g) That of a recipient of public services generally provided by
- 29 the incorporated city or town, political subdivision or state department,
- 30 commission, agency, body or board of which he is a public officer or
- 31 employee, on the same terms and conditions as if he were not an officer or
- 32 employee.
- 33 (h) That of a public school board member when the relative involved
- 34 is not a dependent, as defined in section 43-1001, or a spouse.
- 35 (i) That of a public officer or employee, or that of a relative of
- 36 a public officer or employee, unless the contract or decision involved
- 37 would confer a direct economic benefit or detriment upon the officer,
- 38 employee or his relative, of any of the following:
- 39 (i) Another political subdivision.
- 40 (ii) A public agency of another political subdivision.
- 41 (iii) A public agency except if it is the same governmental entity.
- 42 (j) That of a member of a trade, business, occupation, profession
- 43 or class of persons which is no greater than the interest of the other
- 44 members of that or similar trades, businesses, occupations, professions or
- 45 classes of persons.
- 46 11. "Substantial interest" means any pecuniary or proprietary
- 47 interest, either direct or indirect, other than a remote interest.

PROPOSED  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2480  
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 38-501, Arizona Revised Statutes, is amended  
3 to read:

4 38-501. Application of article

5 A. This article shall apply to all public officers and employees  
6 of incorporated cities or towns, political subdivisions and of the state  
7 and any of its departments, commissions, agencies, bodies or boards,  
8 ~~but shall not apply to members of the legislature.~~

9 B. Notwithstanding the provisions of any other law, or the  
10 provisions of any charter or ordinance of any incorporated city or town  
11 to the contrary, the provisions of this article shall be exclusively  
12 applicable to all officers and employees of every incorporated city or  
13 town, political subdivision or the state and any of its departments,  
14 commissions, agencies, bodies or boards and shall supersede the  
15 provisions of any other such law, charter provision or ordinance.

16 C. Other prohibitions in the state statutes against any specific  
17 conflict of interests shall be in addition to this article if consistent  
18 with the intent and provisions of this article."

19 Renumber to conform

20 Amend title to conform

WILLIAM A. MUNDELL

cla  
3/7/91

## ARIZONA ETHICS BOARD

*Be it enacted by the Legislature of the State of Arizona:*

### Section 1. Purpose

In establishing the Arizona Ethics Board, it is the intent of the Legislature to create an independent, impartial public body that will:

1. Develop a comprehensive preventative ethics education program to ensure that state public officers and employees know about the standards of conduct against which their actions are measured;
2. Provide for comprehensive oversight of the actions of all state public officers and employees relating to ethics laws; and
3. Reassure the public that state public officers and employees know they are to perform their duties in a fair and impartial manner to advance the public's interest based on the merits of an issue.

S c. 2. Title 38, chapter 3.1 Arizona Revised Statutes, is amended by adding article 2, to read:

### ARTICLE 2. ARIZONA ETHICS BOARD

#### § 38-561. Definitions

In this article, unless the context otherwise requires:

1. "Board" means the Arizona ethics board.
2. "Director" means the director of the board.
3. "Ethics laws" means those sections of the Arizona Revised Statutes relating to bribery, conflicts of interest, contracts with the government, disclosure of confidential information, discrimination, employment of relatives, extra compensation, financial disclosures, incompatible employment, misuse of public property/resources for private gain or political purposes, political activity by government employees, and similar statutes. "Ethics laws" expressly does not include election-related statutes in Titles 16 and 19 of the Arizona Revised Statutes.
4. "State public officers and employees" means any person duly elected or appointed to any state office, including a member of any state board, commission or council, or an employee of any state office, agency, board, commission, council, or

1 university under the jurisdiction of the Arizona board of  
2 regents.

3 § 38-562. Arizona ethics board

4 A. An Arizona ethics board is established consisting of eight  
5 members: two members appointed by the governor, two members  
6 appointed by the chief justice of the supreme court, one member  
7 appointed by the president of the senate, one member appointed by  
8 the speaker of the house of representatives, one member appointed  
9 by the senate minority leader and one member appointed by the  
10 house minority leader.

11 B. Board members shall serve staggered four year terms. A  
12 vacancy of the term shall be filled in the same manner as the  
13 original appointment and shall be for the duration of the  
14 unexpired term. No Board member may serve two full consecutive  
15 four year terms.

16 C. No more than four members of the Board shall be members of  
17 the same political party.

18 D. While a member of the Board, a person may not:

19 1. Hold or be a candidate for public office.

20 2. Hold office in any political party or political committee.

21 3. Participate in or contribute to the political campaign of any  
22 candidate for public office.

23 4. Be a public employee.

24 E. The Board shall meet within two weeks after all members have  
25 been appointed at a time and place determined by the governor.  
26 The Board shall elect from its membership a chairman and a vice-  
27 chairman. The vice-chairman shall act as a chairman in the  
28 absence or disability of the chairman. Thereafter, the Board  
29 shall meet monthly or at the call of the chairman or upon written  
30 request of a majority of the members.

31 F. A majority of the members of the Board constitutes a quorum.  
32 No action shall be taken by the Board without concurrence of a  
33 majority of the members. The Board shall adopt rules and  
34 regulations governing its procedures.

35 G. Members of the Board are not eligible for compensation, but  
36 are eligible for reimbursement of expenses pursuant to chapter 4,  
37 article 2 of this title.



1     § 38-563.   Ethics board; director; staff

2     A.   There shall be a director of the Board who shall be appointed  
3       by the governor pursuant to § 38-211. The director shall be a  
4       person well versed in ethics laws who has been a resident of this  
5       state for at least three years prior to appointment. The term of  
6       the director shall be five years and the director may not be  
7       terminated without cause.

8     B.   The Board may appoint such other technical, professional and  
9       clerical employees as are necessary to carry out the duties of  
10      the Board.

11    § 38-564.   Powers and duties of the board

12    A.   The Board shall:

13      1.   Prepare, before January 1, 1993, an ethics manual concerning  
14          ethics laws that can be used by any state agency, board,  
15          commission, council or university under the jurisdiction of  
16          the Arizona board of regents, and by any county, city, town,  
17          district or other political subdivisions to help their  
18          employees, officials and volunteers.

19      2.   Provide, after January 1, 1993, a comprehensive continuing  
20          program of education and information concerning ethics laws  
21          for all state public officials and employees.

22      3.   Issue, on request or its own initiative, formal written  
23          advisory opinions.

24      4.   Receive, initiate and adjudicate complaints as set forth in  
25          section 38-565.

26      5.   Develop goals and objectives, establish guidelines and  
27          recommend legislation relating to ethics, conflicts of  
28          interest and financial disclosure.

29      6.   Adopt rules it deems necessary or desirable to further the  
30          objectives and programs of the Board.

31    B.   When the Board renders an advisory opinion relating to a  
32       special set of circumstances, the person to whom the opinion is  
33       directed or who is similarly situated may reasonably rely upon  
34       such opinion.

35    C.   The Board shall submit a report to the governor, speaker of  
36       the house of representatives, and president of the senate by  
37       November 1 each year describing the activities and accomplish-  
38       ments of the Board.

§ 38-565. Ethics complaint; hearing

A. The Board shall receive and may initiate ethics laws complaints and charges against state public officers and employees except as otherwise provided in this section. All complaints including those of the Board or any of its members shall be in writing and verified by the complainant.

B. The Board shall have the power to administer oaths and may request production of relevant information by subpoena.

C. The Board shall hold a hearing within ninety days after a complaint is filed. If the Board finds that the facts alleged in the complaint are not true, it shall dismiss the complaint and a copy of the report of such dismissal shall be sent to the person filing the complaint and the state public officer or employee against whom the complaint is filed. If the Board finds based upon a preponderance of the evidence that there is probable cause to believe that the facts alleged in the complaint are true and constitute a violation of an ethics law, it shall report its findings to the person filing the complaint and the state public officer or employee against whom the complaint is filed, and either:

1. Impose civil fines of not more than \$1,000 for each offense, or equal to twice the amount improperly gained by the misconduct, whichever is greater; or
2. If the Board determines that such action is warranted, forward its findings to the appropriate law enforcement agency for proceedings in prosecution of such violations.

D. Not less than fifteen days before the date of the hearing, a notice shall be sent by certified mail to the state public officer or employee against whom the complaint is directed informing him of the date, time and place of the hearing and containing a statement of the charges and the law which the person is alleged to have violated. The hearing shall be conducted in the same manner as hearings conducted in accordance with title 41, chapter 6, article 1. The state public officer or employee shall be given an opportunity to be represented by counsel, to examine the evidence against him, to produce evidence, to call and subpoena witnesses in his defense and to cross-examine witnesses. The Board shall have a stenographic record made of the hearing.

E. The hearing shall be open to the public except in cases where the state public officer or employee named in the complaint requests a confidential hearing. All papers, records, affidavits and documents upon any complaint, inquiry or investigation relating to the proceedings of the Board shall be sealed and kept

1 confidential only if the state public officer or employee named  
2 in the complaint requested a confidential hearing.

3 F. Complaints alleging a violation of ethics laws by a judicial  
4 officer or employee of the state shall be reported to the  
5 commission on judicial qualifications and the supreme court for  
6 such action as may be determined pursuant to Article VI.I,  
7 Constitution of Arizona.

8 G. Complaints alleging a violation of ethics law by a member or  
9 employee of the Legislature shall be reported to the President of  
10 the Senate or the Speaker of the House for appropriate action by  
11 that body's legislative ethics committee.

12 **Sec. 3. Initial terms**

13 Notwithstanding the provisions of section 38-562, the initial  
14 terms of the Arizona ethics board shall be filled as follows:

- 15 1. One member appointed by the governor and one member appointed  
16 by the chief justice shall serve one year terms;
- 17 2. The other members initially appointed by the governor and the  
18 chief justice shall serve two year terms;
- 19 3. The members appointed by the speaker of the house and the  
20 house minority leader shall serve three year terms; and
- 21 4. The members appointed by the president of the senate and the  
22 senate minority leader shall serve four year terms.

23 All initial appointments shall be made within thirty days of the  
24 effective date of this act. Thereafter, all appointments shall  
25 be for a term of four years.

26 **Sec. 4. Emergency**

27 To preserve the public peace, health and safety, it is  
28 necessary that this act become effective immediately. It is  
29 therefore declared to be an emergency measure, to take effect as  
30 provided by law.

**APPENDIX E**

**DRAFT LEGISLATION**

**LAWS REGARDING  
INITIATIVE AND REFERENDUM**

Recommendations of the Subcommittee on Initiative, Referendum & Recall

Section 1. Section 1-261, Arizona Revised Statutes, is amended to read:

1-261. Withdrawal of petition signature; payment of remuneration; violation; classification

A. A qualified person who has signed a petition prescribed by statute for any initiative, referendum, recall or formation or modification of a county, municipality or district may withdraw the HIS signature from the petition not later than five o'clock p.m. on the date set by law for filing of the petition, or if no date is set by law, five o'clock p.m. on the date the petition containing the person's signature is actually filed. A PERSON WHO HAS SIGNED A RECALL PETITION MAY WITHDRAW HIS SIGNATURE FROM THE PETITION NOT LATER THAN FIVE O'CLOCK P.M. ON THE DATE THE PETITION CONTAINING THE PERSON'S SIGNATURE IS ACTUALLY SUBMITTED FOR VERIFICATION PURSUANT TO SECTION 19-203.

B. To withdraw a petition signature, a person may either:

1. Verify the withdrawal by signing a simple statement of intent to withdraw at the office of the receiving officer.

2. Mail a signed, notarized statement of intent to withdraw to the receiving officer.

C. A signature withdrawn pursuant to subsection B and received by the receiving officer within the time provided for in subsection A shall not be counted in determining the legal sufficiency of the petition.

D. A person who knowingly gives or receives money or any other thing of value for signing a statement of signature withdrawal pursuant to subsection B is guilty of a class 1 misdemeanor.

Sec. 2. Section 16-101, Arizona Revised Statutes, is amended to read:

16-101. Qualifications of registrant

Every resident of the state is qualified to register to vote if he:

1. Is a citizen of the United States.

2. Will be eighteen years of age or more on or before the date of the regular general election next following his registration.

3. Will have been a resident of the state twenty-nine days next preceding the election, except as provided in section 16-126.

4. Is able to write his name or make his mark, unless prevented from so doing by physical disability.

5. Has not been convicted of treason or a felony, unless restored to civil rights.

6. Is not under guardianship, non compos mentis or insane.

**Sec. 3. Section 16-121, Arizona Revised Statutes, is amended to read:**

16-121. Qualified elector defined

A person who is QUALIFIED TO REGISTER TO VOTE PURSUANT TO SECTION 16-101 AND WHO IS ~~has~~ properly registered to vote shall, if he is at least eighteen years of age on or before the date of the election, be deemed a qualified elector for any purpose for which such qualification is required by law, except as provided in section 16-126.

Sec. 4. Title 16, chapter 6, article 1, Arizona Revised Statutes, is amended by adding section 16-914.01, to read:

16-914.01. Reporting of contributions by committees acting on ballot measures

A. IN ADDITION TO THE PRE-ELECTION CONTRIBUTIONS PRESCRIBED IN SECTION 16-914, A COMMITTEE ACTING IN SUPPORT OF OR IN OPPOSITION TO THE QUALIFICATION, PASSAGE OR DEFEAT OF A BALLOT MEASURE, QUESTION OR PROPOSITION SHALL GIVE NOTICE TO THE SECRETARY OF STATE OF ANY CONTRIBUTION OR GROUP OF CONTRIBUTIONS FROM A SINGLE SOURCE LESS THAN TWENTY DAYS BEFORE THE DAY OF THE ELECTION IF THEY EXCEED:

1. TWENTY FIVE THOUSAND DOLLARS FOR A STATE-WIDE BALLOT MEASURE.

2. TWENTY FIVE HUNDRED DOLLARS FOR NON-STATEWIDE LEGISLATION IN A POLITICAL SUBDIVISION OVER ONE HUNDRED THOUSAND POPULATION.

3. FIVE HUNDRED DOLLARS FOR NON-STATEWIDE LEGISLATION IN A POLITICAL SUBDIVISION OF LESS THAN ONE HUNDRED THOUSAND POPULATION.

8. THIS NOTICE SHALL BE FILED WITHIN TWENTY FOUR HOURS AFTER THE CONTRIBUTION IS RECEIVED, AND SHALL INCLUDE THE IDENTIFICATION OF THE CONTRIBUTOR, THE DATE OF RECEIPT, AND THE AMOUNT OF THE CONTRIBUTION. CONTRIBUTIONS SUBJECT TO THE NOTIFICATION REQUIREMENTS OF THIS SECTION SHALL BE INCLUDED IN THE NEXT REPORT FILED PURSUANT TO SECTION 16-914.

**Sec. 5. Section 19-101, Arizona Revised Statutes, is amended to read:**

19-101. Referendum petition

A. The following shall be the form for referring to the people by referendum petition a measure or item, section or part of a measure enacted by the legislature, or by the legislative body of an incorporated city, town or county:

### REFERENDUM DESCRIPTION

(INSERT A DESCRIPTION OF NO MORE THAN ONE HUNDRED WORDS OF THE PRINCIPAL PROVISIONS OF THE MEASURE SOUGHT TO BE REFERRED)

1 NOTICE: THIS IS ONLY A DESCRIPTION OF THE MEASURE SOUGHT TO BE REFERRED.  
2 BEFORE SIGNING, MAKE SURE THE TITLE AND TEXT OF THE MEASURE IS ATTACHED. YOU  
3 HAVE A RIGHT TO READ OR EXAMINE THE TITLE AND TEXT BEFORE SIGNING.

4 Petition for Referendum

5 To the secretary of state: (or to the corresponding officer for or on local  
6 county, city, or town measures)

7 We, the undersigned citizens and qualified electors of the state of Arizona,  
8 respectfully order that the senate (or house) bill No. \_\_\_\_ (or other local  
9 county, city, or town measure) entitled (title of act or ordinance, and if the  
10 petition is against less than the whole act or ordinance then set forth here the  
11 item, section, or part, or any measure on which the referendum is used), passed  
12 by the \_\_\_\_\_ session of the legislature of the state of  
13 Arizona, at the general (or special, as the case may be) session of said  
14 legislature, (or by county, city or town legislative body) shall be referred to  
15 a vote of the qualified electors of the state, (county, city or town) for their  
16 approval or rejection at the next regular general election (or city or town  
17 election) and each for himself says:

18 I have personally signed this petition with my first and last names. I have  
19 not signed any other petition for the same measure. I am a qualified elector  
20 of the state of Arizona, county of (or city or town and county of, as the case  
21 may be) \_\_\_\_\_.

22 Warning

23 It is a class 1 misdemeanor for any person to knowingly sign an initiative  
24 or referendum petition with a name other than his own, except in a circumstance  
25 where he signs for a person, in the presence of and at the specific request of  
26 such person, who is incapable of signing his own name because of physical  
27 infirmity, or to knowingly sign his name more than once for the same measure,  
28 or to knowingly sign such petition when he is not a qualified elector.

|    |           |          |            |             |                       |       |        |
|----|-----------|----------|------------|-------------|-----------------------|-------|--------|
| 29 | Signature | Name     | Residence  | Arizona     | Precinct              | CITY, | Date   |
| 30 |           | (first   | address    | Post Office | <del>name &amp;</del> | TOWN  | Signed |
| 31 |           | and last | (street &  | address     | <del>number}</del>    | & ZIP |        |
| 32 |           | name     | no. AND if |             |                       | CODE  |        |
| 33 |           | printed) | NO STREET  |             |                       |       |        |

34 ADDRESS,  
35 DESCRIBE  
36 RESIDENCE LOCATION)

37 (fifteen TEN lines for signatures ON EACH SIDE OF THE SHEET which  
38 shall be numbered)

39 The validity of signatures on this sheet must be sworn to by the  
40 circulator before a notary public on the form appearing on reverse side THE BACK  
41 OF THE SHEET.

42 Number

43 \_\_\_\_\_  
44 B. EACH PETITION SHEET CIRCULATED BY A PAID CIRCULATOR SHALL STATE THE

1 FOLLOWING IN CAPITAL LETTERS IN THE LOWER RIGHT HAND CORNER OF THE FACE OF THE  
2 PETITION SHEET BELOW THE PETITION SERIAL NUMBER:

3 "THIS SHEET CIRCULATED BY  
4 A PAID CIRCULATOR"

5 Sec. 6. Section 19-102, Arizona Revised Statutes, is amended to read:

6 19-102. Initiative petition

7 The form of petition for a law or amendment to the constitution of this  
8 state or county legislative measure, or city or town ordinance, or amendment to  
9 a city or town charter proposed by the initiative to be submitted directly to  
10 the electors, shall be substantially in the form prescribed in section 19-101,  
11 SUBSECTIONS A AND B, except the title and body of such petition shall read:

12 INITIATIVE DESCRIPTION

13 (INSERT A DESCRIPTION OF NO MORE THAN ONE HUNDRED WORDS  
14 OF THE PRINCIPAL PROVISIONS OF THE PROPOSED MEASURE OR  
15 CONSTITUTIONAL AMENDMENT)

16 NOTICE: THIS IS ONLY A DESCRIPTION OF THE PROPOSED MEASURE (OR  
17 CONSTITUTIONAL AMENDMENT). BEFORE SIGNING, MAKE SURE THE TITLE AND TEXT OF THE  
18 MEASURE IS ATTACHED. YOU HAVE A RIGHT TO READ OR EXAMINE THE TITLE AND TEXT  
19 BEFORE SIGNING.

20 Initiative Measure to be Submitted Directly to Electors.

21 We, the undersigned, citizens and qualified electors of the state of  
22 Arizona, respectfully demand that the following proposed law (or amendment to  
23 the constitution, or other initiative measure), shall be submitted to the  
24 qualified electors of the state of Arizona (county, city or town of  
25 \_\_\_\_\_) for their approval or rejection at the next regular general  
26 election (or county, city or town election) and each for himself says:  
27 (terminate form same as a referendum petition.)

28 Sec. 7. Section 19-111, Arizona Revised Statutes, is amended to read:

29 19-111. Number for petition

30 A. A person or organization intending to propose a law or constitutional  
31 amendment by initiative petition or to file a referendum petition against a  
32 measure, item, section or part of a measure shall, before causing the petition  
33 to be printed and circulated, file with the secretary of state an application,  
34 on a form to be provided by the secretary of state, setting forth his name or,  
35 if an organization, its name and the names and titles of its officers, address,  
36 his intention to circulate and file a petition, A DESCRIPTION OF NO MORE THAN  
37 ONE HUNDRED WORDS OF THE PRINCIPAL PROVISIONS OF THE MEASURE OR AMENDMENT and



1 the text of the proposed law, constitutional amendment or measure to be  
2 initiated or referred, IN NO LESS THAN EIGHT POINT TYPE, and applying for  
3 issuance of ~~an official a number to be printed in the lower right hand corner~~  
4 ~~of both sides of the signature sheets of the petition~~ THE OFFICIAL SERIAL  
5 NUMBER.

6 B. ANY MEASURE PROPOSING TO AMEND THE CONSTITUTION OR AN EXISTING STATUTE  
7 SHALL SET FORTH THE TEXT, INCLUDING BOTH THE ORIGINAL AND THE AMENDED TEXT. THE  
8 TEXT SHALL INDICATE MATERIAL DELETED, IF ANY, BY PRINTING THE MATERIAL WITH A  
9 LINE DRAWN THROUGH THE CENTER OF THE LETTERS OF THE MATERIAL, AND SHALL INDICATE  
10 MATERIAL ADDED OR NEW MATERIAL BY PRINTING THE LETTERS OF THE MATERIALS IN  
11 CAPITAL LETTERS.

12 C. The secretary of state shall ~~forthwith~~ assign a AN OFFICIAL SERIAL  
13 number to the petition, which number shall appear IN THE LOWER RIGHT HAND CORNER  
14 OF EACH SIDE ~~on the face of each copy thereof~~, and issue that number to the  
15 applicant. Numbers shall be assigned to petitions by the secretary of state in  
16 numerical sequence ~~and in the order of filing applications~~, and a record shall  
17 be maintained in his office of each application received and of the number  
18 NUMBERS assigned and issued to the applicant. ~~The secretary of state may advise~~  
19 ~~the person who has submitted the petition with a written statement of any~~  
20 ~~defects of which the secretary of state is aware, but the secretary of state~~  
21 ~~shall not refuse to assign a number to the petition.~~

22 D. The secretary of state shall print in pamphlet form and shall furnish  
23 to each applicant, at the time ~~he issues the number~~ THE APPLICATION IS  
24 SUBMITTED, a copy of the text of this article governing the initiative and  
25 referendum AND ALL RULES PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO THIS  
26 TITLE. THE SECRETARY OF STATE SHALL FURNISH A SUFFICIENT SUPPLY OF THESE  
27 PAMPHLETS TO THE COUNTY, CITY AND TOWN CLERKS WHO SHALL SIMILARLY FURNISH THE  
28 PAMPHLET TO EACH APPLICANT.

29 Sec. 8. Section 19-112, Arizona Revised Statutes, is amended to read:

30 19-112. Signatures and verification

31 A. Every qualified elector signing a petition shall do so in the presence  
32 of the person circulating the petition and who is to execute the affidavit of  
33 verification. At the time of signing, the qualified elector shall sign his  
34 first and last names in the spaces provided and the elector so signing or the  
35 person circulating the petition shall print his first and last names and write,  
36 in the appropriate spaces following the signature, the signer's residence  
37 address, giving street and number, AND if HE HAS NO STREET ADDRESS, A  
38 DESCRIPTION OF HIS RESIDENCE LOCATION. ~~any, and his post office address.~~ The  
39 elector so signing or the person circulating the petition shall write, in the  
40 appropriate spaces following the elector's address, the date on which the  
41 elector signed the petition.

42 B. THE SIGNATURE SHEETS SHALL BE ATTACHED TO A FULL AND CORRECT COPY OF  
43 THE TITLE AND TEXT OF THE MEASURE OR CONSTITUTIONAL AMENDMENT PROPOSED OR  
44 REFERRED BY THE PETITION IN AT LEAST EIGHT POINT TYPE, AT ALL TIMES DURING  
45 CIRCULATION.

8- C. The person before whom the signatures and addresses were written on the signature sheet shall on the affidavit form pursuant to this section, subscribe and swear before a notary public, that each of the names on the sheet was signed and the name and address was printed in the presence of the elector and the circulator on the date indicated, and that in his belief each signer was a qualified elector of a certain county of the state, or, in the case of a city, town or county measure, of the city, town or county affected by the measure on the date indicated. All signatures of petitioners on a signature sheet shall be those of qualified electors who are registered to vote in the same county. However, if signatures from more than one county appear on the same signature sheet, only the valid signatures from the same county which are most numerous on the signature sheet, shall be counted. ~~The absence of a printed name shall invalidate that signature.~~ Signature and handwriting comparisons may be made.

~~C.~~ D. The affidavit shall be in the following form printed on the reverse side of each signature sheet:

## Affidavit of Circulator

State of Arizona     )  
County of \_\_\_\_\_     )     ss.:  
(WHERE NOTARIZED)

I, (print name), a qualified elector in the precinct, IN THE county of                     , in the state of Arizona AT ALL TIMES DURING MY CIRCULATION OF THIS PETITION SHEET AND under the penalty of a class 1 misdemeanor, depose and say that each INDIVIDUAL signed this sheet of the foregoing petition in my presence on the date indicated, and I believe that each signer's name, residence address or post office address are correctly stated, and that each signer is a qualified elector of the state of Arizona (OR IN THE CASE OF A CITY, TOWN OR COUNTY MEASURE, OF THE CITY, TOWN OR COUNTY AFFECTED BY THE MEASURE PROPOSED TO BE INITIATED OR REFERRED TO THE PEOPLE.)

(Signature of affiant)

(Residence address, street and number, ~~if any,~~ of affiant)  
OR, IF NO STREET ADDRESS, A DESCRIPTION OF RESIDENCE LOCATION)

~~(Post office address of affiant~~  
in County of REGISTRATION)

(IF REGISTERED AT A DIFFERENT ADDRESS AT ANY TIME DURING THE CIRCULATION OF THIS SHEET, THAT FORMER ADDRESS OF THE AFFIANT)

1 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, 19\_\_.

2  
3 \_\_\_\_\_  
Notary Public

4 \_\_\_\_\_, Arizona,

5 My commission expires on the \_\_\_\_ day of \_\_\_\_, 19\_\_.

6 Sec. 9. Section 19-114, Arizona Revised Statutes, is amended to read:

7 19-114. Prohibition on circulating of petitions by certain persons

8 A. No county recorder or justice of the peace, and no person other than a  
9 qualified elector shall circulate an initiative or referendum petition and all  
10 signatures verified by any such person shall be void and shall not be counted  
11 in determining the legal sufficiency of the petition.

12 B. SIGNATURES OBTAINED ON INITIATIVE AND REFERENDUM PETITIONS BY A  
13 POLITICAL COMMITTEE PROPOSING THE INITIATIVE OR REFERENDUM OR ANY OF ITS  
14 OFFICERS, AGENTS, EMPLOYEES OR MEMBERS PRIOR TO THE FILING OF THE COMMITTEE'S  
15 STATEMENT OF ORGANIZATION REQUIRED BY SECTION 16-902.01 ARE VOID AND SHALL NOT  
16 BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION.

17 Sec. 10. Section 19-121, Arizona Revised Statutes, is amended to read:

18 19-121. Signature sheets; petitions; form; procedure for filing;  
19 receipt

20 A. Every sheet for signature FILED shall:

21 1. Be in the form prescribed by law.

22 2. Have printed in its lower right hand corner, on each side of such  
23 sheet, the OFFICIAL SERIAL number assigned to the petition by the secretary of  
24 state.

25 3. Be attached to a full and correct copy of the title and text of the  
26 measure, or amendment to the constitution, proposed or referred by the petition,  
27 which shall be printed ~~on pages fourteen inches in width by eight and one half~~  
28 ~~inches in length, with a margin of at least one inch at the top and bottom of~~  
29 ~~each page~~ EIGHT POINT TYPE.

30 4. THE PETITION SHEETS SHALL BE PRINTED IN BLACK INK ON PAGES FOURTEEN  
31 INCHES IN WIDTH BY EIGHT AND ONE-HALF INCHES IN LENGTH, WITH A MARGIN OF AT  
32 LEAST ONE INCH AT THE TOP AND BOTTOM OF EACH PAGE.

33 B. AT THE TIME OF FILING THE PETITION, A LIST SHALL ALSO BE FILED  
34 CONTAINING THE NAME, RESIDENT'S ADDRESS AS PROVIDED ON THE AFFIDAVIT OF  
35 REGISTRATION, AND COUNTY OF REGISTRATION FOR EACH INDIVIDUAL CIRCULATOR WHO

1 CIRCULATED THE PETITION FOR MONETARY PAYMENT TOGETHER WITH THE NAME AND ADDRESS  
2 OF ANY COMPANY OR BUSINESS USED FOR THE PURPOSE OF OBTAINING SIGNATURES FOR  
3 PAYMENT.

4 C. FOR PURPOSES OF THIS CHAPTER, A PETITION IS FILED WHEN THE PETITION  
5 SHEETS ARE TENDERED TO THE SECRETARY OF STATE AT WHICH TIME A RECEIPT IS  
6 IMMEDIATELY ISSUED BY THE SECRETARY OF STATE BASED ON AN ESTIMATE MADE TO THE  
7 SECRETARY OF STATE OF THE PURPORTED NUMBER OF SHEETS AND SIGNATURES FILED.  
8 FOLLOWING THE ISSUANCE OF THE RECEIPT, NO ADDITIONAL PETITION SHEETS SHALL BE  
9 ACCEPTED FOR FILING.

10 ~~B. D. Petitions may be filed with the secretary of state in numbered~~  
11 ~~sections for convenience in handling. Not more than fifteen TEN signatures on~~  
12 ~~one EACH SIDE OF THE sheet shall be counted. When the petition is offered for~~  
13 ~~filing, the secretary of state, in the presence of the person offering them for~~  
14 ~~filing, shall:~~

15 ~~1. Detach the sheets containing the signatures and affidavits.~~

16 ~~2. Check to determine that each signature sheet bears the number assigned~~  
17 ~~by him to the petition, and shall count the signatures on only those sheets~~  
18 ~~bearing such number.~~

19 ~~3. Cause all signature sheets to be grouped together by county of~~  
20 ~~registration of the majority of those signing, and attach them to one or more~~  
21 ~~printed copies of the measure proposed or referred.~~

22 ~~4. Number in the lower right hand corner both sides of the signature~~  
23 ~~sheets in consecutive order. The same number shall appear on both sides of the~~  
24 ~~sheet.~~

25 ~~C. If, when offered for filing with the secretary of state, the sheets~~  
26 ~~are too bulky for convenient binding by the secretary of state in one volume by~~  
27 ~~county of registration of those signing, they may be bound in two or more~~  
28 ~~volumes, those in each volume to be attached to a single printed copy of the~~  
29 ~~measure, and the detached copies of the measure shall be delivered to the person~~  
30 ~~offering them for filing.~~

31 ~~D. E. Initiative petitions which have not been filed with the secretary~~  
32 ~~of state as of five p.m. on the day required by the constitution prior to the~~  
33 ~~ensuing general election after their issuance shall be null and void, but in no~~  
34 ~~event shall the secretary of state accept an initiative petition which was~~  
35 ~~issued for circulation more than twenty-four months prior to the general~~  
36 ~~election at which the measure is to be included on the ballot.~~

37 Sec. 11. Repeal

38 Section 19-121.01, Arizona Revised Statutes, is repealed.

39 Sec. 12. Title 19, chapter 1, article 3, Arizona Revised Statutes, is  
40 amended by adding Section 19-121.01 to read:

41 19-121.01. Secretary of State; removal of petition and signatures not

1                   eligible: facsimile sheets; random sample

2           A.    WITHIN FIFTEEN DAYS, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL  
3 HOLIDAYS, OF THE DATE OF FILING OF AN INITIATIVE OR REFERENDUM PETITION AND  
4 ISSUANCE OF THE RECEIPT, THE SECRETARY OF STATE SHALL:

5           1.   REMOVE THE FOLLOWING:

6           (a)   THOSE SHEETS NOT ATTACHED TO A COPY OF THE TITLE AND TEXT OF THE  
7 MEASURE.

8           (b)   THE COPY OF THE TITLE AND TEXT FROM THE REMAINING PETITION SHEETS.

9           (c)   THOSE SHEETS NOT BEARING THE PETITION SERIAL NUMBER IN THE LOWER  
10 RIGHT HAND CORNER OF EACH SIDE.

11           (d)   THOSE SHEETS CONTAINING A CIRCULATOR'S AFFIDAVIT THAT IS NOT  
12 COMPLETED OR SIGNED.

13           (e)   THOSE SHEETS WHERE THE AFFIDAVIT OF THE CIRCULATOR IS NOT NOTARIZED,  
14 THE NOTARY'S SIGNATURE IS MISSING, THE NOTARY'S COMMISSION HAS EXPIRED OR THE  
15 NOTARY'S SEAL IS NOT AFFIXED.

16           (f)   THOSE SHEETS WHERE THE SIGNATURES OF THE CIRCULATOR AND THE NOTARY  
17 ARE DATED EARLIER THAN THE DATES ON WHICH THE ELECTORS SIGNED THE FACE OF THE  
18 PETITION SHEET.

19           2.   AFTER COMPLETING THE STEPS IN PARAGRAPH 1 OF THIS SECTION, REVIEW EACH  
20 SHEET TO DETERMINE THE COUNTY OF THE MAJORITY OF THE SIGNERS AND SHALL:

21           (a)   PLACE A THREE OR FOUR LETTER ABBREVIATION DESIGNATING THAT COUNTY IN  
22 THE UPPER RIGHT CORNER OF THE FACE OF THE PETITION.

23           (b)   REMOVE ALL SIGNATURES OF THOSE NOT IN THE COUNTY OF THE MAJORITY ON  
24 EACH SHEET BY MARKING AN "SS" IN RED INK IN THE MARGIN TO THE RIGHT OF THE  
25 SIGNATURE LINE.

26           (c)   CAUSE ALL SIGNATURE SHEETS TO BE GROUPED TOGETHER BY COUNTY OF  
27 REGISTRATION OF THE MAJORITY OF THOSE SIGNING, AND ATTACH THEM TO ONE OR MORE  
28 COPIES OF THE TITLE AND TEXT OF THE MEASURE. IF THE SHEETS ARE TOO BULKY FOR  
29 CONVENIENT GROUPING BY THE SECRETARY OF STATE IN ONE VOLUME BY COUNTY, THEY MAY  
30 BE BOUND IN TWO OR MORE VOLUMES WITH THOSE IN EACH VOLUME ATTACHED TO A SINGLE  
31 PRINTED COPY OF THE MEASURE. THE REMAINING DETACHED COPIES OF THE TITLE AND  
32 TEXT OF THE MEASURE SHALL BE DELIVERED TO THE APPLICANT.

33           3.   AFTER COMPLETING THE STEPS IN PARAGRAPH 2 OF THIS SECTION, REMOVE THE  
34 FOLLOWING SIGNATURES NOT ELIGIBLE FOR VERIFICATION BY MARKING AN "SS" IN RED INK  
35 IN THE MARGIN TO THE RIGHT OF THE SIGNATURE LINE:

36           (a)   WHERE THE SIGNATURE OF THE QUALIFIED ELECTOR IS MISSING.

37           (b)   WHERE THE RESIDENCE ADDRESS OR THE DESCRIPTION OF RESIDENCE LOCATION

1 IS MISSING.

2 (c) WHERE THE DATE ON WHICH THE PETITIONER SIGNED IS MISSING.

3 (d) SIGNATURES IN EXCESS OF THE TEN SIGNATURES PERMITTED PER PETITION.

4 4. REMOVE ALL SIGNATURES WITHDRAWN PURSUANT TO SECTION 1-261.

5 5. FOLLOWING THE REMOVAL OF PETITION SHEETS AND SIGNATURES, COUNT THE  
6 NUMBER OF SIGNATURES FOR VERIFICATION ON THE REMAINING PETITION SHEETS AND  
7 SHALL NOTE THAT NUMBER IN THE UPPER RIGHT CORNER OF THE FACE OF EACH PETITION  
8 SHEET IMMEDIATELY ABOVE THE COUNTY DESIGNATION.

9 6. NUMBER THE REMAINING PETITION SHEETS NOT PREVIOUSLY REMOVED WHICH  
10 CONTAIN SIGNATURES ELIGIBLE FOR VERIFICATION IN CONSECUTIVE ORDER ON THE FRONT  
11 AND BACK SIDE OF EACH PETITION SHEET IN THE UPPER LEFT HAND CORNER.

12 7. COUNT ALL REMAINING PETITION SHEETS AND SIGNATURES NOT PREVIOUSLY  
13 REMOVED AND ISSUE A RECEIPT TO THE APPLICANT OF THIS TOTAL NUMBER ELIGIBLE FOR  
14 VERIFICATION.

15 B. IF THE TOTAL NUMBER OF SIGNATURES FOR CERTIFICATION AS DETERMINED  
16 PURSUANT TO SUBSECTION A, PARAGRAPH 7 OF THIS SECTION EQUALS OR EXCEEDS THE  
17 CONSTITUTIONAL MINIMUM, THE SECRETARY OF STATE, DURING THE SAME FIFTEEN DAY  
18 PERIOD PROVIDED IN SUBSECTION A OF THIS SECTION, SHALL, AT RANDOM, SELECT FIVE  
19 PER CENT OF THE TOTAL SIGNATURES ELIGIBLE FOR VERIFICATION BY THE COUNTY  
20 RECORDERS OF THE COUNTIES IN WHICH THE PERSONS SIGNING THE PETITION CLAIM TO BE  
21 QUALIFIED ELECTORS. THE RANDOM SAMPLE OF SIGNATURES TO BE VERIFIED SHALL BE  
22 DRAWN IN SUCH A MANNER THAT EVERY SIGNATURE ELIGIBLE FOR VERIFICATION HAS AN  
23 EQUAL CHANCE OF BEING INCLUDED IN THE SAMPLE. THE RANDOM SAMPLE PRODUCED SHALL  
24 IDENTIFY EACH SIGNATURE SELECTED BY PETITION PAGE AND LINE NUMBER. THE  
25 SIGNATURES SELECTED SHALL BE MARKED ACCORDING TO THE FOLLOWING PROCEDURE:

26 1. USING RED INK, MARK THE SELECTED SIGNATURE BY CIRCLING THE LINE NUMBER  
27 AND DRAWING A LINE FROM THE BASE OF THE CIRCLE EXTENDING INTO THE LEFT MARGIN.

28 2. IF A SIGNATURE LINE SELECTED FOR THE RANDOM SAMPLE IS FOUND TO BE  
29 BLANK OR WAS REMOVED FROM THE VERIFICATION PROCESS PURSUANT TO SUBSECTION A OF  
30 THIS SECTION AND IS MARKED WITH AN "SS", THEN THE NEXT LINE DOWN, EVEN IF THAT  
31 REQUIRES GOING TO THE NEXT PETITION SHEET IN SEQUENCE, ON WHICH AN ELIGIBLE  
32 SIGNATURE APPEARS SHALL BE SELECTED AS A SUBSTITUTE IF THAT LINE HAS NOT ALREADY  
33 BEEN SELECTED FOR THE RANDOM SAMPLE. IF THE NEXT ELIGIBLE LINE IS ALREADY BEING  
34 USED IN THE RANDOM SAMPLE, THE SECRETARY OF STATE SHALL PROCEED BACK UP THE PAGE  
35 FROM THE SIGNATURE LINE ORIGINALLY SELECTED FOR THE RANDOM SAMPLE TO THE NEXT  
36 PREVIOUS SIGNATURE LINE ELIGIBLE FOR VERIFICATION. IF THAT LINE IS ALREADY  
37 BEING USED IN THE RANDOM SAMPLE, THE SECRETARY OF STATE SHALL CONTINUE MOVING  
38 DOWN THE PAGE OR TO THE NEXT PAGE FROM THE LINE ORIGINALLY SELECTED FOR THE  
39 RANDOM SAMPLE AND SELECT THE NEXT ELIGIBLE SIGNATURE AS ITS SUBSTITUTE FOR THE  
40 RANDOM SAMPLE. THE SECRETARY OF STATE SHALL USE THIS PROCESS OF ALTERNATELY  
41 MOVING FORWARD AND BACKWARD UNTIL A SIGNATURE ELIGIBLE FOR VERIFICATION AND NOT  
42 ALREADY INCLUDED IN THE RANDOM SAMPLE CAN BE SELECTED AND SUBSTITUTED.

1 C. FOLLOWING THE SELECTION OF THE RANDOM SAMPLE AND THE MARKING OF THE  
2 SIGNATURES SELECTED ON THE ORIGINAL PETITION SHEETS PURSUANT TO SUBSECTION 8 OF  
3 THIS SECTION, THE SECRETARY OF STATE SHALL REPRODUCE A FACSIMILE OF THE FRONT  
4 AND BACK OF EACH SIGNATURE SHEET ON WHICH A SIGNATURE INCLUDED IN THE RANDOM  
5 SAMPLE APPEARS AND SHALL ALSO REPRODUCE A FACSIMILE OF EACH AFFIDAVIT OF  
6 CIRCULATOR FOR EACH PETITION SHEET REMAINING, INCLUDING THOSE SHEETS ON WHICH  
7 NO SIGNATURE WAS SELECTED FOR RANDOM SAMPLE VERIFICATION, TOGETHER WITH THE FACE  
8 OF THE PETITION SHEET TO WHICH EACH AFFIDAVIT CORRESPONDS. THE SECRETARY OF  
9 STATE SHALL CLEARLY IDENTIFY THOSE SIGNATURES MARKED FOR VERIFICATION BY COLOR  
10 HIGHLIGHTING OR OTHER SIMILAR METHOD AND SHALL TRANSMIT THE FACSIMILE SHEETS BY  
11 PERSONAL DELIVERY OR CERTIFIED MAIL TO EACH COUNTY RECORDER AS FOLLOWS:

12 1. EACH SIGNATURE SHEET ON WHICH A SIGNATURE OF ANY INDIVIDUAL CLAIMING  
13 TO BE A QUALIFIED ELECTOR OF THAT COUNTY WHOSE SIGNATURE WAS SELECTED FOR  
14 VERIFICATION AS PART OF THE RANDOM SAMPLE APPEARS.

15 2. THE AFFIDAVIT OF EACH CIRCULATOR CLAIMING TO BE A QUALIFIED ELECTOR OF  
16 THAT COUNTY.

17 D. THE SECRETARY OF STATE SHALL RETAIN IN HIS CUSTODY ALL SIGNATURE  
18 SHEETS REMOVED PURSUANT TO THIS SECTION EXCEPT AS OTHERWISE PRESCRIBED IN THIS  
19 TITLE.

20 Sec. 13. Repeal

21 Section 19-121.02, Arizona Revised Statutes, is repealed.

22 Sec. 14. Title 19, chapter 1, article 3, Arizona Revised Statutes, is  
23 amended by adding Section 19-121.02, to read:

24 19-121.02. Certification by county recorder

25 A. WITHIN TEN DAYS, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS,  
26 AFTER RECEIVING THE FACSIMILE SIGNATURE SHEETS AND AFFIDAVITS FROM THE SECRETARY  
27 OF STATE PURSUANT TO SECTION 19-121.01, THE COUNTY RECORDER SHALL DETERMINE  
28 WHICH SIGNATURES OR AFFIDAVITS OF INDIVIDUALS WHOSE NAMES WERE TRANSMITTED MUST  
29 BE DISQUALIFIED FOR ANY OF THE FOLLOWING REASONS:

30 1. NO RESIDENCE ADDRESS OR DESCRIPTION OF RESIDENCE LOCATION IS PROVIDED.

31 2. NO DATE OF SIGNING IS PROVIDED

32 3. THE SIGNATURE IS ILLEGIBLE AND THE SIGNER IS OTHERWISE UNIDENTIFIABLE.

33 4. THE ADDRESS PROVIDED IS ILLEGIBLE OR NON-EXISTENT.

34 5. THE INDIVIDUAL WAS NOT A QUALIFIED ELECTOR ON THE DATE OF SIGNING THE  
35 PETITION OR AFFIDAVIT.

36 6. THE INDIVIDUAL WAS A REGISTERED VOTER BUT WAS NOT AGE EIGHTEEN ON THE  
37 DATE OF SIGNING THE PETITION OR AFFIDAVIT.

38 7. THE INDIVIDUAL WAS REGISTERED AT A DIFFERENT ADDRESS OR LOCATION AND

1 IN A DIFFERENT PRECINCT FROM THE ADDRESS OR LOCATION PROVIDED ON THE PETITION  
2 OR AFFIDAVIT ON THE DATE THE PETITION OR AFFIDAVIT WAS SIGNED.

3 8. THE SIGNATURE WAS DISQUALIFIED AFTER COMPARISON WITH THE SIGNATURE ON  
4 THE AFFIDAVIT OF REGISTRATION.

5 9. IF A PETITIONER SIGNED MORE THAN ONCE, ALL BUT ONE OTHERWISE VALID  
6 SIGNATURE SHALL BE DISQUALIFIED.

7 10. FOR THE SAME REASONS ANY SIGNATURES OR ENTIRE PETITION SHEETS COULD  
8 HAVE BEEN REMOVED BY THE SECRETARY OF STATE PURSUANT TO SECTION 19-121.01,  
9 SUBSECTION A.

10 B. THE DISQUALIFICATION OF THE CIRCULATOR WITH RESPECT TO AN AFFIDAVIT  
11 PURSUANT TO SUBSECTION A OF THIS SECTION, RESULTS IN THE DISQUALIFICATION AND  
12 REMOVAL OF ALL SIGNATURES ON THAT PETITION SHEET BUT NOT NECESSARILY ALL  
13 PETITION SHEETS CIRCULATED BY THAT CIRCULATOR WITHOUT AN INDEPENDENT REASON FOR  
14 DISQUALIFICATION FOR EACH SHEET.

15 C. WITHIN THE SAME TIME PERIOD PROVIDED IN SUBSECTION A, THE COUNTY  
16 RECORDER SHALL CERTIFY TO THE SECRETARY OF STATE THE FOLLOWING:

17 1. THE NAME OF ANY INDIVIDUAL WHOSE SIGNATURE WAS INCLUDED IN THE RANDOM  
18 SAMPLE AND DISQUALIFIED BY THE COUNTY RECORDER TOGETHER WITH THE PETITION PAGE  
19 AND LINE NUMBER OF THE DISQUALIFIED SIGNATURE.

20 2. THE NAME OF ANY OTHER INDIVIDUAL PETITION SIGNER WHOSE SIGNATURE WAS  
21 DISQUALIFIED BY THE COUNTY RECORDER TOGETHER WITH THE PETITION PAGE AND LINE  
22 NUMBER OF THE DISQUALIFIED SIGNATURE.

23 3. THE TOTAL NUMBER OF SIGNATURES SELECTED FOR THE RANDOM SAMPLE AND  
24 TRANSMITTED TO THE COUNTY RECORDER FOR VERIFICATION AND THE TOTAL NUMBER OF  
25 RANDOM SAMPLE SIGNATURES DISQUALIFIED AS WELL AS THE TOTAL NUMBER OF ALL OTHER  
26 INDIVIDUAL SIGNATURES DISQUALIFIED.

27 4. THE NAME OF EACH CIRCULATOR DISQUALIFIED BY THE COUNTY RECORDER  
28 TOGETHER WITH THE PAGE NUMBER OF EACH PETITION SHEET THEREBY DISQUALIFIED.

29 5. THE TOTAL NUMBER OF SIGNATURES ON THOSE PETITION SHEETS DISQUALIFIED  
30 DUE TO THE DISQUALIFICATION OF THE CIRCULATOR.

31 D. THE COUNTY RECORDER'S CERTIFICATION SHALL BE IN THE FORM PRESCRIBED BY  
32 THE SECRETARY OF STATE.

33 E. THE COUNTY RECORDER SHALL RETURN THE FACSIMILE SIGNATURE SHEETS AND  
34 AFFIDAVITS TO THE SECRETARY OF STATE WITH THE CERTIFICATION.

35 Sec. 15. Section 19-121.04, Arizona Revised Statutes, is amended to read:

36 19-121.04. Disposition of petitions by secretary of state

37 A. Within forty-eight hours, excluding Saturday and legal holidays, after



1 receipt of the facsimile signature sheets, the affidavit of circulator pages and  
2 the certification of each county recorder, the secretary of state shall  
3 DETERMINE THE TOTAL NUMBER OF VALID SIGNATURES BY ~~subtract~~ SUBTRACTING from the  
4 TOTAL number of ELIGIBLE signatures ~~contained~~ PURSUANT TO SECTION 19-121.01,  
5 SUBSECTION A, PARAGRAPH 7 IN THE FOLLOWING ORDER: ~~in the temporary receipt~~  
6 ~~issued under section 19 121.01 all signatures included in the random sample to~~  
7 ~~be verified by the county recorders found to be ineligible, and shall, after~~  
8 ~~determining the percentage of signatures found to be invalid in the random~~  
9 ~~sample, subtract a like percentage of all other signatures included on the~~  
10 ~~petitions and all signatures appearing upon signature sheets circulated by~~  
11 ~~persons who, as certified by the respective county recorders, were not qualified~~  
12 ~~electors at the time they circulated the petition. The secretary of state shall~~  
13 ~~also subtract all signatures appearing on signature sheets of the petition~~  
14 ~~circulated by persons who were county recorders or justices of the peace at the~~  
15 ~~time they circulated the petition.~~

16 1. SUBTRACT ALL SIGNATURES OBTAINED BY UNQUALIFIED CIRCULATORS OR ON  
17 PETITIONS CONTAINING A DEFECTIVE CIRCULATOR'S AFFIDAVIT.

18 2. SUBTRACT ALL SIGNATURES FOUND INELIGIBLE BY THE COUNTY RECORDERS THAT  
19 WERE NOT SUBTRACTED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION.

20 3. AFTER DETERMINING THE PERCENTAGE OF ALL SIGNATURES FOUND TO BE INVALID  
21 IN THE RANDOM SAMPLE, SUBTRACT A LIKE PERCENTAGE FROM THOSE SIGNATURES REMAINING  
22 AFTER THE SUBTRACTIONS PERFORMED PURSUANT TO PARAGRAPHS 1 AND 2 OF THIS  
23 SUBSECTION.

24 B. If the actual number of signatures after certification ~~as described in~~  
25 PURSUANT TO subsection C of this section on the remaining sheets after any such  
26 subtraction equals or exceeds the minimum number required by the constitution  
27 or if the number of valid signatures as projected from the random sample  
28 PURSUANT TO SUBSECTION A OF THIS SECTION is at least one hundred five per cent  
29 of the minimum number required by the constitution, the secretary of state shall  
30 issue the following receipt to the person or organization that submitted them:

31 \_\_\_\_\_ signature pages bearing \_\_\_\_\_ signatures for  
32 initiative (referendum) petition serial number \_\_\_\_\_ have been refused for  
33 filing in this office because the person circulating them was not a qualified  
34 elector at the time of circulating the petition or was a county recorder or  
35 justice of the peace at the time of circulating the petition OR DUE TO DEFECTS  
36 IN THE CIRCULATOR'S AFFIDAVIT. A total of \_\_\_\_\_ signatures included ON  
37 THE REMAINING PETITION SHEETS ~~in the random sample~~ were found to be ineligible.  
38 OF THE TOTAL RANDOM SAMPLE OF \_\_\_\_\_ SIGNATURES, A TOTAL OF \_\_\_\_\_  
39 SIGNATURES WERE INVALIDATED BY THE COUNTY RECORDERS RESULTING IN A FAILURE RATE  
40 OF \_\_\_\_\_ PERCENT. The actual number of remaining signatures for such initiative  
41 (referendum) petition number \_\_\_\_\_ are equal to or in excess of the minimum  
42 required by the constitution to place a measure on the general election ballot.  
43 The number of valid signatures filed with this petition, based on the random  
44 sample, appears to be at least one hundred five per cent of the minimum required  
45 or through examination of each signature has been certified to be greater than  
46 the minimum required by the constitution.

1 Date: \_\_\_\_\_

2 \_\_\_\_\_  
3 Secretary of State

4 (Seal)

5 The secretary of state shall then forthwith notify the governor that a  
6 sufficient number of signatures has been filed and that the initiative or  
7 referendum shall be placed on the ballot in the manner provided by law.

8 C. If the number of valid signatures as projected from the random sample  
9 is less than one hundred five but greater than ninety-five per cent of the  
10 minimum number required by the constitution, then the secretary of state shall  
11 order the examination and certification of each signature filed and shall so  
12 notify the county recorders. THE COUNTY RECORDERS' CERTIFICATION SHALL BE IN  
13 THE FORM PRESCRIBED BY THE SECRETARY OF STATE.

14 D. If the number of valid signatures as projected from the random sample  
15 is less than ninety-five per cent of the minimum number required by the  
16 constitution or if the actual number of signatures on the remaining sheets after  
17 any such subtraction from the random sample or after certification fails to  
18 equal or exceed the minimum required by the constitution, the secretary of state  
19 shall immediately return the original signature sheets, in the form filed by him  
20 under section 19-121, to the person or organization that submitted them,  
21 together with a certified statement that, for the following reasons, the  
22 petition lacks the minimum number of signatures to place it on the general  
23 election ballot:

24 1. Signature sheets bearing secretary of state page numbers \_\_\_\_\_ and  
25 bearing signatures of \_\_\_\_\_ persons were circulated by a person or  
26 persons prohibited from doing so under section 19-114 OR APPEARED ON PETITIONS  
27 CONTAINING A DEFECTIVE CIRCULATOR'S AFFIDAVIT.

28 2. A TOTAL OF \_\_\_\_\_ SIGNATURES ON THE REMAINING PETITION SHEETS WERE  
29 FOUND TO BE INELIGIBLE.

30 2- 3. A total of \_\_\_\_\_ signatures included in the random sample  
31 have been certified by the county recorders as ineligible ~~by reason of not being~~  
32 ~~qualified electors~~ at the time of signing such petition and a projection from  
33 such random sample has indicated that \_\_\_\_\_ more signatures are ineligible  
34 to appear on the petition. A facsimile of the certifications of the county  
35 recorders under section 19-121.02 shall accompany the signature sheets returned  
36 to the person or organization that submitted them.

37 Sec. 16. Section 19-121.05, Arizona Revised Statutes, is amended to read:

38 19-121.05. Special fund for reimbursement of county  
recorders

39 A. The secretary of state shall establish a separate fund from which he  
40 shall reimburse a county recorder for actual expenses incurred by the county  
41 recorder for performance of his duties under the provisions of section  
42 19-121.02, but not to exceed the rate of ~~twenty-five~~ FIFTY cents per signature.

1           B. A county recorder who claims to be entitled to reimbursement under the  
2 provisions of this section shall submit a claim therefor to the secretary of  
3 state.

4           C. The special fund created under the provisions of this section shall be  
5 exempt from the provisions of section 35-190 relating to lapsing of  
6 appropriations.

7           Sec 17. Section 19-122, Arizona Revised Statutes, is amended to read:

8           19-122.   Refusal of secretary of state to file petition or transmit  
9                      facsimiles of signature sheets or affidavits of circulators:  
10                     writ of mandamus; venue

11           A. If the secretary of state refuses to accept and file a petition for  
12 the initiative or referendum, or proposal for a constitutional amendment which  
13 has been presented within the time prescribed, or if he refuses to transmit the  
14 facsimiles of a signature sheet or sheets or affidavits of circulators to the  
15 county recorders for certification under section 19-121.02, he shall provide the  
16 person who submitted the petition, proposal, signature sheet or affidavit with  
17 a written statement of the reason for the refusal. Within ten days after the  
18 refusal any citizen may apply to the superior court for a writ of mandamus to  
19 compel the secretary of state to file the petition or proposal or transmit the  
20 facsimiles, or the citizen may file a complaint with the county attorney or  
21 attorney general. The county attorney or attorney general may apply, within ten  
22 days after the complaint is made, to the superior court for a writ of mandamus  
23 to compel the secretary of state to file the petition or proposal or transmit  
24 the facsimiles. ~~Notwithstanding section 19-121.04,~~ The action shall be advanced  
25 on the calendar and heard and decided by the court as soon as possible. Either  
26 party may appeal to the supreme court within ten days after judgment. If the  
27 court finds that the petition is legally sufficient, the secretary of state  
28 shall then file it, with a certified copy of the judgment attached as of the  
29 date on which it was originally offered for filing in his office.

30           B. The most current version of the general county register at the time of  
31 filing a court action challenging an initiative or referendum petition shall  
32 constitute the official record to be used to determine on a prima facie basis  
33 by the challenger that the signer of a petition was not registered to vote at  
34 the address given on the date of signing the petition. If the address of the  
35 signer given on the date of signing the petition is different from that on the  
36 most current version of the general county register, the county recorder shall  
37 examine the version of the general county register which was current on the date  
38 the signer signed the petition to determine the validity of the signature. THIS  
39 SUBSECTION DOES NOT PRECLUDE INTRODUCING INTO EVIDENCE A CERTIFIED COPY OF THE  
40 AFFIDAVIT OR REGISTRATION OF ANY SIGNER DATED PRIOR TO THE SIGNING OF THE  
41 PETITION WHICH AFFIDAVIT IS IN THE POSSESSION OF THE COUNTY RECORDER BUT HAS NOT  
42 YET BEEN FILED IN THE GENERAL COUNTY REGISTER.

43           C. Notwithstanding section 19-121.04, if any petition filed is not  
44 legally sufficient, the court may, in an action brought by any citizen, enjoin  
45 the secretary of other officers from certifying or printing on the official

1 ballot for the ensuing election the amendment or measure proposed or referred.  
2 The action shall be advanced on the calendar and heard and decided by the court  
3 as soon as possible. Either party may appeal to the supreme court within ten  
4 days after judgment.

5 D. The superior court in Maricopa county shall have jurisdiction of  
6 actions relating to measures and amendments to be submitted to the electors of  
7 the state at large. With respect to actions relating to local and special  
8 measures, the superior court in the county, or in one of the counties in which  
9 the measures are to be voted upon, shall have jurisdiction.

10 Sec. 18. Section 19-123, Arizona Revised Statutes, is amended to read:

11 19-123. Publicity pamphlet; printing; distribution

12 A. When the secretary of state is ordered by the legislature, or by  
13 petition under the initiative and referendum provisions of the constitution, to  
14 submit to the people a measure or proposed amendment to the constitution, he  
15 shall cause to be printed, at the expense of the state, except as otherwise  
16 provided in this article, a publicity pamphlet, which shall contain:

17 1. A true copy of the title and text of the measure or proposed  
18 amendment. Such text shall indicate material deleted, if any, by printing such  
19 material with a line drawn through the center of the letters of such material,  
20 and shall indicate material added or new material by printing the letters of  
21 such material in capital letters.

22 2. The form in which the measure or proposed amendments will appear on  
23 the ballot, the official title, the descriptive title prepared by the secretary  
24 of state and the number by which it will be designated.

25 3. The arguments for and against the measure or amendment.

26 4. For any measure or proposed amendment, a legislative council analysis  
27 of the ballot proposal as prescribed pursuant to section 19-124.

28 B. Not later than ~~the tenth day~~ THREE WEEKS before the ~~primary~~ GENERAL  
29 election, the secretary of state shall cause to be delivered to the board of  
30 supervisors of each county a quantity of the publicity pamphlets equal to ~~eighty~~  
31 SEVENTY-FIVE per cent of the number of registered voters in each county,  
32 according to information which shall be supplied to the secretary of state by  
33 the several county recorders immediately upon closing the registration prior to  
34 the primary election. ~~and with the election supplies directed by law to be sent~~  
35 ~~to the voting precincts in each county there shall be sent a quantity of~~  
36 ~~publicity pamphlets equal to eighty per cent of the number of registered voters~~  
37 ~~in the voting precincts respectively.~~ THE BOARD OF SUPERVISORS SHALL, NO LATER  
38 THAN ELEVEN DAYS BEFORE THE GENERAL ELECTION MAIL A PUBLICITY PAMPHLET TO EACH  
39 HOUSEHOLD CONTAINING A REGISTERED VOTER. THE BOARD OF SUPERVISORS MAY  
40 DISTRIBUTE REMAINING QUANTITIES TO STATE, COUNTY, MUNICIPAL AND OTHER GOVERNMENT  
41 OFFICES IN THE COUNTY FREQUENTED BY MEMBERS OF THE PUBLIC AND MAY ALSO SEEK  
42 PERMISSION FROM PRIVATE BUSINESSES TO HAVE PAMPHLETS AVAILABLE FOR DISTRIBUTION  
43 ON THEIR PREMISES. THE COUNTY RECORDER SHALL OFFER A PUBLICITY PAMPHLET TO EACH

PERSON WHO APPEARS TO REGISTER PRIOR TO THE GENERAL ELECTION.

~~C. The election board, at the primary election, shall offer one copy of the publicity pamphlet to each elector applying to vote, and return to the board of supervisors, with the returns of the primary election, all copies thereof not presented to voters. The board of supervisors shall immediately deliver the copies to the county recorder, who shall offer one thereof to each person who appears to register prior to the general election.~~

Sec. 19. Section 19-124, Arizona Revised Statutes, is amended to read:

19-124. Arguments on measures; cost; submission at special election

A. The person filing an initiative petition may at the same time file with the secretary of state an argument advocating the measure, or constitutional amendment OR REFERENDUM proposed in the petition. Not later than sixty days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing the measure or constitutional amendment proposed in the petition. Not later than sixty days preceding the regular primary election a person may file with the secretary of state an argument advocating or opposing any measure with respect to which the referendum has been invoked, or any measure or constitutional amendment referred by the legislature. Each argument FILED shall CONTAIN THE ORIGINAL SIGNATURE OF EACH ~~be signed by the~~ person sponsoring it ~~or~~. If it is sponsored by an organization, it shall be signed by the TWO EXECUTIVE officers thereof OR IF SPONSORED BY A POLITICAL COMMITTEE AS DEFINED IN SECTION 16-901(19) IT SHALL BE SIGNED BY THE COMMITTEE'S CHAIRMAN AND TREASURER. PAYMENT OF THE DEPOSIT REQUIRED BY SUBSECTION D OF THIS SECTION, OR REIMBURSEMENT OF THE PAYOR, CONSTITUTES SPONSORSHIP OF THE ARGUMENT FOR PURPOSES OF THIS SUBSECTION. The person or persons signing the argument shall identify themselves by giving their residence or post office address AND A TELEPHONE NUMBER, WHICH INFORMATION SHALL NOT APPEAR IN THE PUBLICITY PAMPHLET. EACH ARGUMENT FILED PURSUANT TO THIS SUBSECTION SHALL NOT EXCEED THREE HUNDRED WORDS IN LENGTH.

B. Not later than sixty days preceding the regular primary election the legislative council, after providing reasonable opportunity for comments by all legislators, shall prepare and file with the secretary of state an IMPARTIAL analysis of the provisions of each ballot proposal of a measure or proposed amendment. THE ANALYSIS SHALL INCLUDE A DESCRIPTION OF THE MEASURE AND SHALL BE WRITTEN IN CLEAR AND CONCISE TERMS AVOIDING TECHNICAL TERMS WHEREVER POSSIBLE. THE ANALYSIS MAY CONTAIN BACKGROUND INFORMATION, INCLUDING THE EFFECT OF THE MEASURE ON EXISTING LAW, OR ANY LEGISLATIVE ENACTMENT SUSPENDED BY REFERENDUM, IF THE MEASURE OR REFERENDUM IS APPROVED OR REJECTED. ~~together with a list of popular arguments favoring and opposing each proposal. Each argument favoring and opposing each such proposal shall not exceed three hundred words in length.~~

C. The analyses and arguments shall be included in the publicity pamphlet immediately following the measure or amendment to which they refer. Arguments in the affirmative shall be placed first in order, and first among the affirmative or negative arguments shall be placed the arguments filed by the

1 person filing the initiative petition or the person who introduced the measure  
2 or constitutional amendment referred. THE REMAINING AFFIRMATIVE AND NEGATIVE  
3 ARGUMENTS SHALL BE PLACED IN THE ORDER IN WHICH THEY WERE FILED WITH THE  
4 SECRETARY OF STATE.

5 D. The person filing an argument shall deposit with the secretary of  
6 state, at the time of filing, ~~such~~ AN amount of money, as PRESCRIBED BY THE  
7 SECRETARY OF STATE, FOR THE PURPOSE OF OFFSETTING A PORTION OF ~~may be necessary~~  
8 ~~to pay the cost of the paper required and the proportionate cost of THE PAPER~~  
9 ~~AND printing OF the argument. except for analysis and arguments prepared and~~  
10 ~~submitted by the legislative council.~~ IF THE PERSON FILING AN ARGUMENT REQUESTS  
11 THAT THE ARGUMENT APPEAR IN CONNECTION WITH MORE THAN ONE PROPOSITION, A DEPOSIT  
12 SHALL BE MADE FOR EACH SUCH PLACEMENT REQUESTED. No such deposit or payment  
13 shall be required for the analysis ~~and arguments~~ prepared and filed by the  
14 legislative council. Any PROPORTIONAL balance remaining of the deposit, after  
15 paying the cost, shall be returned to the depositor.

16 E. When a measure ~~or constitutional amendment~~ is submitted at a special  
17 election, and time will not permit full compliance with the provisions of this  
18 article, the ~~law~~, CHARTER PROVISION OR ORDINANCE providing for the special  
19 election shall make provision for printing and distribution of the publicity  
20 pamphlet.

21 F. IN THE CASE OF REFERENDUM PETITIONS THAT ARE NOT REQUIRED TO BE FILED  
22 UNTIL AFTER THE PRIMARY ELECTION OR A TIME SO CLOSE TO THE PRIMARY ELECTION THAT  
23 A REFERENDUM CANNOT BE CERTIFIED FOR THE BALLOT PRIOR TO THE DEADLINE FOR FILING  
24 BALLOT ARGUMENTS PURSUANT TO SUBSECTION A OF THIS SECTION, THE SECRETARY OF  
25 STATE MAY ESTABLISH A SEPARATE DEADLINE FOR FILING THE REFERENDUM BALLOT  
26 ARGUMENTS PURSUANT TO RULES AND REGULATIONS PRESCRIBED BY THE SECRETARY OF  
27 STATE.

28 Sec. 20. Section 19-125, Arizona Revised Statutes, is amended to read:

29 19-125. Form of ballot

30 A. The secretary of state, at the time he transmits to the clerks of the  
31 boards of supervisors a certified copy of the name of each candidate for public  
32 office, shall transmit to each clerk a certified copy of the official title, the  
33 descriptive title and the number of each measure and proposed amendment to the  
34 constitution to be voted upon at the ensuing regular general election.

35 B. Proposed constitutional amendments shall be numbered consecutively  
36 beginning with the number one hundred, proposed initiative measures shall be  
37 numbered consecutively beginning with the number two hundred and measures  
38 submitted under the referendum shall be numbered consecutively beginning with  
39 the number three hundred. NUMBERING SHALL BE CONSECUTIVE BASED ON THE ORDER IN  
40 WHICH THE INITIATIVE OR REFERENDUM PETITIONS ARE FILED WITH THE SECRETARY OF  
41 STATE. Proposed constitutional amendments shall be placed by themselves at the  
42 head of the ballot column, followed by initiated and referred measures in that  
43 order.

44 C. The clerk shall print the official title, the descriptive title and

1 the number of each measure upon the official ballot in the order presented to  
2 him by the secretary of state. The number of the measure shall be in reverse  
3 type and at least twelve point type. A proposed constitutional amendment shall  
4 be designated "proposed amendment to the constitution by the legislature", or  
5 "proposed amendment to the constitution by the initiative", as the case may be.  
6 A measure referred by the legislature shall be designated "referred to the  
7 people by the legislature", a measure referred by petition shall be designated  
8 "referendum ordered by petition of the people" and a measure proposed by  
9 initiative petition shall be designated "proposed by initiative petition".

10 D. There shall be printed on the official ballot immediately below the  
11 number of the measure and the official title of each measure a descriptive title  
12 containing a summary of the principal provisions of the measure, not to exceed  
13 fifty words, which shall be prepared by the secretary of state and approved by  
14 the attorney general. Immediately following the descriptive title of each  
15 measure there shall be printed the phrases:

16 A "yes" vote shall have the effect of \_\_\_\_\_.

17 A "no" vote shall have the effect of \_\_\_\_\_.  
18 The blank spaces shall be filled with a brief phrase, approved by the attorney  
19 general, stating the essential change in the existing law should the measure  
20 receive a majority of votes cast in that particular manner. IN THE CASE OF A  
21 REFERENDUM, A YES VOTE SHALL HAVE THE EFFECT OF APPROVING THE LEGISLATIVE  
22 ENACTMENT THAT IS BEING REFERRED. Opposite the phrases there shall be printed  
23 the number of the measure in reverse type and at least twelve point type, and  
24 below the number of the measure and opposite each phrase there shall be printed  
25 the corresponding words "yes" and "no" and a square in which the elector may  
26 make a mark as defined in section 16-400 indicating his preference.

27 Sec. 21. Repeal

28 Section 19-128, Arizona Revised Statutes, is repealed.

29 Sec. 22. Title 19, chapter 1, article 3, Arizona Revised Statutes, is  
30 amended by adding Section 19-128, to read:

31 19-128. Campaign literature and advertising funding; identification; and  
32 disclosure

33 A. A POLITICAL COMMITTEE, AS DEFINED IN SECTION 16-901, THAT MAKES AN  
34 EXPENDITURE IN CONNECTION WITH ANY LITERATURE OR ADVERTISEMENT TO SUPPORT OR  
35 OPPOSE A BALLOT PROPOSITION SHALL INCLUDE A STATEMENT IN SUCH LITERATURE OR  
36 ADVERTISEMENT THAT EACH OF THE FOLLOWING, WHERE APPLICABLE, IS A MAJOR FUNDING  
37 SOURCE OF THE COMMITTEE:  
38

39 1. AN INDUSTRY WHICH IS BOTH THE LARGEST INDUSTRY CONTRIBUTOR TO THE  
40 COMMITTEE AND WHOSE COMBINED CONTRIBUTIONS TO THE COMMITTEE ARE FIVE HUNDRED  
41 THOUSAND DOLLARS OR MORE, OR ARE FIFTY THOUSAND DOLLARS OR MORE AND CONSTITUTE  
42 TWENTY FIVE PERCENT OR MORE OF ALL CONTRIBUTIONS, OR FOR POLITICAL SUBDIVISIONS  
43 GREATER THAN ONE HUNDRED THOUSAND IN POPULATION, ARE FIFTY THOUSAND DOLLARS OR  
44 MORE, OR ARE FIVE THOUSAND DOLLARS OR MORE AND CONSTITUTE TWENTY-FIVE PERCENT

1 OR MORE OF ALL CONTRIBUTIONS OR FOR POLITICAL SUBDIVISIONS LESS THAN ONE  
2 HUNDRED THOUSAND IN POPULATION ARE TEN THOUSAND DOLLARS OR MORE, OR ARE ONE  
3 THOUSAND DOLLARS OR MORE AND CONSTITUTE TWENTY-FIVE PERCENT OR MORE OF ALL  
4 CONTRIBUTIONS.

5 2. A PERSON WHOSE CONTRIBUTIONS TO THE COMMITTEE ARE ONE HUNDRED THOUSAND  
6 DOLLARS OR MORE AND WHO IS THE LARGEST CONTRIBUTOR OR FOR POLITICAL SUBDIVISIONS  
7 GREATER THAN ONE HUNDRED THOUSAND IN POPULATION ARE TEN THOUSAND DOLLARS OR MORE  
8 AND WHO IS THE LARGEST CONTRIBUTOR OR FOR POLITICAL SUBDIVISIONS LESS THAN ONE  
9 HUNDRED THOUSAND IN POPULATION ARE TWO THOUSAND DOLLARS OR MORE AND WHO IS THE  
10 LARGEST CONTRIBUTOR.

11 3. CORPORATIONS AS A GROUP OR UNIONS AS A GROUP WHEN THEIR COMBINED  
12 CONTRIBUTIONS TO THE COMMITTEE ARE ONE HUNDRED THOUSAND DOLLARS OR MORE AND  
13 CONSTITUTE FIFTY PER CENT OR MORE OF ALL CONTRIBUTIONS OR FOR POLITICAL  
14 SUBDIVISIONS GREATER THAN ONE HUNDRED THOUSAND IN POPULATION ARE TEN THOUSAND  
15 DOLLARS OR MORE AND CONSTITUTE FIFTY PERCENT OR MORE OF ALL CONTRIBUTIONS OR FOR  
16 POLITICAL SUBDIVISIONS LESS THAN ONE HUNDRED THOUSAND IN POPULATION ARE TWO  
17 THOUSAND DOLLARS OR MORE AND CONSTITUTE FIFTY PERCENT OR MORE OF ALL  
18 CONTRIBUTIONS.

19 4. OUT-OF-STATE CONTRIBUTIONS AS A GROUP, WHEN THEIR COMBINED  
20 CONTRIBUTIONS TO THE COMMITTEE ARE ONE HUNDRED THOUSAND DOLLARS OR MORE AND  
21 CONSTITUTE FIFTY PER CENT OR MORE OF ALL CONTRIBUTIONS OR FOR POLITICAL  
22 SUBDIVISIONS GREATER THAN ONE HUNDRED THOUSAND IN POPULATION ARE TEN THOUSAND  
23 DOLLARS OR MORE AND CONSTITUTE FIFTY PERCENT OR MORE OF ALL CONTRIBUTIONS OR FOR  
24 POLITICAL SUBDIVISIONS LESS THAN ONE HUNDRED THOUSAND IN POPULATION ARE TWO  
25 THOUSAND DOLLARS OR MORE AND CONSTITUTE FIFTY PERCENT OR MORE OF ALL  
26 CONTRIBUTIONS.

27  
28 B. IF THERE ARE MORE THAN TWO MAJOR FUNDING SOURCES, THE COMMITTEE IS  
29 ONLY REQUIRED TO DISCLOSE THE FIRST TWO APPLICABLE FUNDING SOURCES AS DETERMINED  
30 BY THE ORDER IN WHICH THEY ARE LISTED IN SUBSECTION A OF THIS SECTION.

31 C. ANY DISCLOSURE STATEMENT REQUIRED BY THIS SECTION SHALL BE PRINTED  
32 CLEARLY AND LEGIBLY IN A CONSPICUOUS MANNER, OR, IF THE COMMUNICATION IS  
33 BROADCAST ON RADIO, THE INFORMATION SHALL BE SPOKEN. IF THE COMMUNICATION IS  
34 BROADCAST ON A TELECOMMUNICATIONS SYSTEM, THE INFORMATION SHALL BE BOTH WRITTEN  
35 AND SPOKEN.

36 D. THE PROVISIONS OF SUBSECTION A OF THIS SECTION DO NOT APPLY TO BUMPER  
37 STICKERS, PINS, BUTTONS, PENS AND SIMILAR SMALL ITEMS ON WHICH THE STATEMENTS  
38 REQUIRED IN SUBSECTION A OF THIS SECTION CANNOT BE CONVENIENTLY PRINTED OR TO  
39 A COMMUNICATION BY AN ORGANIZATION SOLELY TO ITS MEMBERS.

40 E. A COMMITTEE SHALL CHANGE FUTURE LITERATURE AND ADVERTISEMENTS TO  
41 REFLECT ANY CHANGE IN FUNDING SOURCES AFFECTING WHICH FUNDING SOURCES MUST BE  
42 DISCLOSED PURSUANT TO SUBSECTIONS A AND B OF THIS SECTION.

43 F. THIS SECTION SHALL ONLY APPLY TO ADVERTISEMENTS THE CONTENTS OF WHICH  
44 ARE MORE THAN FIFTY PERCENT DEVOTED TO ONE OR MORE BALLOT PROPOSITIONS OR



1 PROPOSED MEASURES ON THE SAME SUBJECT.

2 G. FOR PURPOSES OF THIS SECTION:

3 1. "ADVERTISEMENT" MEANS GENERAL PUBLIC ADVERTISING THROUGH THE PRINT AND  
4 ELECTRONIC MEDIA, SIGNS, BILLBOARDS, AND DIRECT MAIL.

5 2. "INDUSTRY" MEANS THOSE INDIVIDUALS AND PERSONS WHO DERIVE ECONOMIC  
6 BENEFIT FROM THE MANUFACTURE, SALE OR DISTRIBUTION OF A LIKE OR SIMILAR PRODUCT,  
7 COMMODITY OR SERVICE, INCLUDING PROFESSIONAL SERVICES.

8 3. "PERSON" MEANS ANY INDIVIDUAL, BUSINESS, CORPORATION, COMPANY,  
9 PARTNERSHIP, FIRM, ASSOCIATION OR SOCIETY OR ANY OTHER ORGANIZATION OR GROUP OF  
10 PERSONS ACTING IN CONCERT.

11 H. ANY COMMITTEE THAT VIOLATES THIS SECTION IS LIABLE IN A CIVIL ACTION  
12 BROUGHT BY THE ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY, AS  
13 APPROPRIATE, OR BY ANY PERSON, FOR A FINE OF THREE TIMES THE TOTAL COST OF THE  
14 ADVERTISEMENT.

15 Sec. 23. Section 19-141, Arizona Revised Statutes, is amended to read:

16 19-141. Initiative and referendum in cities, towns and  
17 counties

18 A. The provisions of this chapter shall apply to the legislation of  
19 cities, and towns AND COUNTIES, ~~except that cities and towns may provide for~~  
20 ~~requirements in lieu of the requirements of this article which are less~~  
21 ~~restrictive on the right to initiative or referendum.~~ AS SPECIFICALLY PROVIDED  
22 IN THIS ARTICLE TO THE CONTRARY. The duties required of the secretary of state  
23 as to state legislation shall be performed in connection with such legislation  
24 by the city or town clerk, CLERK OF THE BOARD OF SUPERVISORS or person  
25 performing the duties as such. The duties required of the governor shall be  
26 performed by the mayor OR CHAIRMAN OF THE BOARD OF SUPERVISORS, the duties  
27 required of the attorney general shall be performed by the city or town OR  
28 COUNTY attorney, and the printing and binding of measure and arguments shall be  
29 paid for by the city, or town OR COUNTY in like manner as payment is provided  
30 for by the state with respect to state legislation. THE PROVISIONS OF SECTION  
31 19-124 WITH RESPECT TO THE LEGISLATIVE COUNCIL ANALYSIS SHALL NOT APPLY IN  
32 CONNECTION WITH INITIATIVES AND REFERENDUMS IN CITIES, TOWNS AND COUNTIES. The  
33 printing shall be done in the same manner as other municipal OR COUNTY printing  
34 is done. Distribution of pamphlets shall be made to every voter in the city OR  
35 COUNTY, so far as possible, by the city or town clerk, OR THE CLERK OF THE BOARD  
36 OF SUPERVISORS either by mail or carrier, not less than eight ELEVEN days before  
37 the election at which the measures are to be voted upon.

38 B. Arguments supporting or opposing municipal OR COUNTY initiative and  
39 referendum measures shall be filed with the city or town clerk OR THE CLERK OF  
40 THE BOARD OF SUPERVISORS not less than thirty days before the election at which  
41 they are to be voted upon.

42 C. The procedure with respect to municipal AND COUNTY legislation shall  
43 be as nearly as practicable the same as the procedure relating to initiative and

1 referendum provided for the state at large.

2 D. REFERENCES IN THIS SECTION TO DUTIES TO BE PERFORMED BY CITY OR TOWN  
3 OFFICERS APPLY ONLY WITH RESPECT TO MUNICIPAL LEGISLATION AND REFERENCES TO  
4 DUTIES TO BE PERFORMED BY COUNTY OFFICERS APPLY ONLY WITH RESPECT TO COUNTY  
5 LEGISLATION.

6 E. THE DUTIES REQUIRED OF THE COUNTY RECORDER WITH RESPECT TO STATE  
7 LEGISLATION SHALL BE PERFORMED BY THE COUNTY RECORDER WITH RESPECT TO MUNICIPAL  
8 OR COUNTY LEGISLATION.

9 Sec. 24. Section 19-142, Arizona Revised Statutes, is amended to read:

10 19-142. Referendum petitions against municipal actions; emergency  
11 measures

12 A. The whole number of votes cast at the city or town election at which  
13 a mayor or councilmen were chosen last preceding the filing SUBMISSION OF THE  
14 APPLICATION FOR of a referendum petition against an ordinance, franchise or  
15 resolution shall be the basis on which the number of electors of the city or  
16 town required to file a referendum petition shall be computed. The petition  
17 shall be filed with the city or town clerk within thirty days after passage of  
18 the ordinance, resolution or franchise.

19 B. A city or town ordinance, resolution or franchise shall not become  
20 operative until thirty days after its passage by the council and approval by the  
21 mayor, unless it is passed over his veto, and then it shall not become operative  
22 until thirty days after final approval and until certification by the clerk of  
23 the city or town of the minutes of the meeting at which the action was taken,  
24 except emergency measures necessary for the immediate preservation of the peace,  
25 health or safety of the city or town. An emergency measure shall not become  
26 immediately operative unless it states in a separate section the reason why it  
27 is necessary that it should become immediately operative, and unless it is  
28 approved by the affirmative vote of three fourths of all the members elected to  
29 the city or town council, taken by ayes and noes, and also approved by the  
30 mayor.

31 C. At the time a person or organization intending to file a referendum  
32 petition against an ordinance or resolution applies for the issuance of an  
33 official number pursuant to section 19-111, the city or town clerk shall provide  
34 such person or organization with a full and correct copy of the ordinance or  
35 resolution in the form as finally adopted. If the copy of the ordinance or  
36 resolution proposed as a referendum is not available to such person or  
37 organization at the time of making application for an official number or on the  
38 same business day as the application is submitted, the thirty-day period  
39 specified in subsection A begins on the day that the ordinance or resolution is  
40 available from the city or town clerk, and the ordinance or resolution shall not  
41 become operative until thirty days after the ordinance or resolution is  
42 available.

1           Sec. 25. Section 19-143, Arizona Revised Statutes, is amended to read:

2           19-143. Initiative petition in cities; action of council; amendment of  
3 charter

4           A. THE WHOLE NUMBER OF VOTES CAST AT THE CITY OR TOWN ELECTION AT WHICH A  
5 MAYOR OR COUNCILMEN WERE CHOSEN LAST PRECEDING THE SUBMISSION OF THE APPLICATION  
6 FOR AN INITIATIVE PETITION SHALL BE THE BASIS ON WHICH THE NUMBER OF ELECTORS  
7 OF THE CITY OR TOWN REQUIRED TO FILE AN INITIATIVE PETITION SHALL BE COMPUTED  
8 UNLESS THE CITY OR TOWN PROVIDES A DIFFERENT BASIS BY ORDINANCE OR CHARTER.

9           ~~A-~~ B. If an ordinance, charter or amendment to the charter of a city or  
10 town is proposed by initiative petition, it shall be filed with the city or town  
11 clerk, who shall submit it to the voters of the city or town at the next ensuing  
12 election. ~~held therein not less than ninety days after it was first presented~~  
13 ~~to the city or town council.~~ The council may enact the ordinance or amendment  
14 and refer it to the people or it may enact the ordinance or amendment without  
15 referring it to the people, and in that case it is subject to referendum  
16 petition as other ordinances. The mayor shall not have power to veto either of  
17 such measures.

18           ~~B-~~ C. Amendments to a city or town charter may be proposed and submitted  
19 to the people by the council, with or without an initiative petition, but they  
20 shall be filed with the clerk for submission not less than sixty days before the  
21 election at which they are to be voted upon, and no amendment of a charter shall  
22 be effective until it is approved by a majority of the votes cast thereon by the  
23 people of the city or town to which it applies. The council may by ordinance  
24 order special elections to vote on municipal measures.

25           Sec. 26. Repeal

26           Section 19-144, Arizona Revised Statutes, is repealed.

27           Sec. 27. Section 19-201, Arizona Revised Statutes, is amended to read:

28           19-201. Officers subject to recall; number of petitioners

29           A. Every public officer holding an elective office, either by election  
30 or, appointment OR RETENTION, is subject to recall from such office by the  
31 qualified electors of the electoral district from which candidates are elected  
32 to that office. Such electoral district may include the whole state. A number  
33 of qualified electors equaling twenty-five per cent of the number of votes cast  
34 at the preceding general election for all the candidates for the office held by  
35 the officer, EVEN IF THE OFFICER WAS NOT ELECTED AT THAT ELECTION, DIVIDED BY  
36 THE NUMBER OF OFFICES THAT WERE BEING FILLED AT THAT ELECTION may, by recall  
37 petition, demand his recall.

38           B. IN THE CASE OF A PUBLIC OFFICER HOLDING OFFICE IN A NEWLY CREATED  
39 DIVISION OR DISTRICT OF AN ELECTIVE OFFICE, EITHER BY ELECTION OR APPOINTMENT,  
40 A NUMBER OF QUALIFIED ELECTORS EQUALING TWENTY-FIVE PER CENT OF THE NUMBER OF  
41 VOTES CAST AT THE LAST PRECEDING GENERAL ELECTION FOR ALL THOSE WHO WERE  
42 CANDIDATES FOR OTHER DIVISIONS OR DISTRICTS OF THE SAME OFFICE HELD BY THE

1 OFFICER IN THAT COUNTY OR CITY, DIVIDED BY THE NUMBER OF OFFICES THAT WERE BEING  
2 FILLED AT THAT ELECTION MAY, BY RECALL PETITION, DEMAND HIS RECALL.

3 Sec. 28. Section 19-202, Arizona Revised Statutes, is amended to read:

4 19-202. Recall petition; limitations; subsequent petition

5 A. A recall petition shall not be circulated against any officer until he  
6 has held office for six months, except that a petition may be filed against a  
7 member of the legislature at any time after five days from the beginning of the  
8 first session after his election. THE COMMENCEMENT OF A SUBSEQUENT TERM IN THE  
9 SAME OFFICE DOES NOT RENEW THE SIX MONTH PERIOD DELAYING THE CIRCULATION OF A  
10 RECALL PETITION.

11 B. After one recall petition and election, no further recall petition  
12 shall be filed against the same officer during the term for which he was elected  
13 unless the petitioners signing the petition first, AT THE TIME OF APPLICATION  
14 FOR THE SUBSEQUENT RECALL PETITION, pay into the public treasury from which such  
15 election expenses were paid all expenses of the preceding election.

16 C. SIGNATURES OBTAINED ON RECALL PETITIONS BY A COMMITTEE OR ANY OF ITS  
17 OFFICERS, AGENTS, EMPLOYEES OR MEMBERS PRIOR TO THE FILING OF THE COMMITTEE'S  
18 STATEMENT OF ORGANIZATION REQUIRED BY SECTION 16-902.01 ARE VOID AND SHALL NOT  
19 BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION.

20 Sec. 29. Section 19-202.01, Arizona Revised Statutes, is amended to read:

21 19-202.01. Application for recall petition

22 A. A person or organization intending to file a recall petition shall,  
23 before causing the petition to be printed and circulated, submit an application  
24 setting forth his name or, if an organization, its name and the names and titles  
25 of its officers, address, his intention to circulate and submit such petition,  
26 the text of the general statement required by section 19-203 and a request for  
27 issuance of an official number to be printed on the signature sheets of the  
28 petition. Such application shall be submitted to the office of secretary of  
29 state if for recall of a state officer, including a member of the state  
30 legislature, or a member of Congress, and with the clerk of the board of  
31 supervisors if for a county OR DISTRICT officer or superior court judge, with  
32 the city or town clerk if for a city or town officer and with the county school  
33 superintendent if for a trustee of a school district.

34 B. On receipt of the application, the receiving officer shall forthwith  
35 assign a number to the petition, which number shall appear IN THE LOWER RIGHT  
36 HAND CORNER ON ~~the face of~~ each SIDE OF EACH SIGNATURE SHEET ~~copy thereof~~, and  
37 issue that number to the applicant. A record shall be maintained by the  
38 receiving officer of each application received, the date of its receipt and of  
39 the number assigned and issued to the applicant.

40 Sec. 30. Section 19-203, Arizona Revised Statutes, is amended to read:

41 19-203. Recall petition; contents; submission for verification;

1                                    nonacceptance

2            A. A recall petition shall contain a general statement of not more than  
3 two hundred words stating the grounds of the demand for the recall. The  
4 petition shall be submitted for verification of signatures to the office of the  
5 secretary of state if for a state officer, including a member of the  
6 legislature, with the clerk of the board of supervisors if for a county OR  
7 DISTRICT officer or superior court judge, with the city or town clerk if for a  
8 city or town officer and with the county school superintendent if for trustee  
9 of a school district. NO RECALL PETITION IS CONSIDERED FILED FOR PURPOSES OF  
10 THIS CHAPTER UNTIL THE VERIFICATION PROCESS IS COMPLETE AND THE PETITION IS  
11 FILED PURSUANT TO SECTION 19-208.03, SUBSECTION A, PARAGRAPH 1.

12           B. A recall petition shall not be accepted for such verification if more  
13 than one hundred twenty days passed since the date of submission of the  
14 application for recall petition, as prescribed by section 19-202.01.

15           Sec. 31. Section 19-205, Arizona Revised Statutes, is amended to read:

16           19-205. Signatures and certification

17           A. Every qualified elector signing a petition for a recall election shall  
18 do so in the presence of the person circulating the petition and who is to  
19 execute the affidavit of verification on the reverse side of the signature  
20 sheet. At the time of signing, the qualified elector shall sign AND PRINT his  
21 ~~full legal~~ FIRST AND LAST name and the elector so signing shall write, in the  
22 appropriate spaces following the signature, his residence address, giving street  
23 and number OR, if ~~any, his post office address,~~ THE ELECTOR HAS NO STREET  
24 ADDRESS, A DESCRIPTION OF HIS RESIDENCE LOCATION, and the date on which he  
25 signed the petition.

26           B. The person before whom the signatures were written on the signature  
27 sheet shall in an affidavit subscribed and sworn to by him before a notary  
28 public, verify that each of the names on the sheet was signed in his presence  
29 on the date indicated, and that in his belief each signer was a qualified  
30 elector of the election district on the date indicated in which such recall  
31 election will be conducted. All signatures of petitioners on a signature sheet  
32 shall be those of qualified electors who are registered to vote in the same  
33 county. However, if signatures from more than one county appear on the same  
34 signature sheet, only the valid signatures from the same county which are most  
35 numerous on the signature sheet, shall be counted. In the absence of a legible  
36 signature, the name as it is printed shall be the name used to determine the  
37 validity of the signatures.

38           C. The affidavit shall be in the form prescribed for initiative and  
39 referendum. In addition it shall also require a statement by the circulator  
40 that the circulator believes that the circulator and all signers thereof are  
41 qualified to vote in the recall election.

42           Sec. 32. Section 19-208.01, Arizona Revised Statutes, is amended to read:

43           19-208.01. Certification of number of signatures

1 A. Within ten days, excluding Saturday, Sunday or any legal holiday, after  
2 submission of a recall petition for verification of signatures pursuant to  
3 section 19-203, the receiving officer shall PERFORM THE STEPS SET FORTH IN  
4 SECTION 19-121.01, SUBSECTION A ~~have counted~~. IF the TOTAL number of signatures  
5 ELIGIBLE FOR VERIFICATION ~~thereon and if the number~~ equals or exceeds the  
6 minimum number required by the Arizona constitution he shall ~~make a copy~~  
7 REPRODUCE A FACSIMILE OF THE FRONT AND BACK OF EACH SIGNATURE SHEET ON WHICH ANY  
8 SIGNATURE ELIGIBLE FOR VERIFICATION APPEARS AND SHALL ALSO REPRODUCE A FACSIMILE  
9 OF EACH AFFIDAVIT OF CIRCULATOR FOR EACH REMAINING PETITION SHEET TOGETHER WITH  
10 THE FACE OF THE PETITION SHEET TO WHICH EACH AFFIDAVIT CORRESPONDS. THE  
11 RECEIVING OFFICER ~~the petition sheets for his records and~~ shall forthwith  
12 transmit TO EACH COUNTY RECORDER ~~copies of the original signature~~ FACSIMILE  
13 sheets ON WHICH A SIGNATURE OF ANY INDIVIDUAL CLAIMING TO BE A QUALIFIED ELECTOR  
14 OF THAT COUNTY APPEARS AND THE AFFIDAVIT OF EACH CIRCULATOR CLAIMING TO BE A  
15 QUALIFIED ELECTOR OF THAT COUNTY. THE RECEIVING OFFICER SHALL ALSO CERTIFY ~~to~~  
16 ~~the applicable county recorder for determination of sufficiency of the~~  
17 ~~signatures as prescribed in section 19-208.02, certifying the number of sheets~~  
18 and signatures thereon that are being transmitted and ~~retaining~~ RETAIN a record  
19 of such certification in his office. Such receiving officer shall obtain a  
20 dated, signed receipt from the county recorder for copies of the original  
21 signature sheets transmitted under this section.

22 B. If the number of signatures on the sheets submitted to the receiving  
23 officer do not equal the minimum number required by the Constitution, he shall  
24 so notify the person or organization submitting them and shall return the sheets  
25 to the persons or organization.

26 Sec. 33. Section 19-208.02, Arizona Revised Statutes, is amended to read:

27 19-208.02. Certification by county recorder

28 Within sixty days after receipt of the signature sheets from the receiving  
29 officer, the county recorder shall determine ~~from the records of registration~~  
30 the number of SIGNATURES OR AFFIDAVITS OF INDIVIDUALS WHOSE NAMES WERE  
31 TRANSMITTED THAT MUST BE DISQUALIFIED FOR ANY OF THE REASONS SET FORTH IN  
32 SECTION 19-121.02, SUBSECTIONS A AND B, ~~qualified electors who have signed the~~  
33 ~~signature sheets~~, and he shall so certify such number to the receiving officer  
34 IN THE FORM PRESCRIBED BY THE SECRETARY OF STATE. At the time of such  
35 certification, the county recorder shall return the original signature sheets  
36 to the receiving officer, obtaining a dated, signed receipt therefor.

37 Sec. 34. Section 19-208.05, Arizona Revised Statutes, is amended to read:

38 19-208.05. Special fund for reimbursement of county recorders

39 A. Receiving officers shall establish a separate fund from which county  
40 recorders shall be reimbursed for actual expenses incurred by county recorders  
41 for performance of duties under section 19-208.02, but not to exceed the rate  
42 of ~~twenty-five~~ FIFTY cents per signature.

43 B. A county recorder who claims to be entitled to reimbursement under the

1 provisions of this section shall submit a claim to the receiving officer.

2 C. The special fund created pursuant to this section shall be exempt from  
3 the provisions of section 35-190, relating to lapsing of appropriations.

4 Sec. 35. Section 19-210, Arizona Revised Statutes, is amended to read:

5 19-210. Reimbursement for county expenses in conducting special recall  
6 election

7 The political subdivision OR DISTRICT IN ~~for~~ which a public officer  
8 subject to recall serves shall reimburse the county for all expenses incurred  
9 in conducting the special recall election.

10 Sec. 36. Section 19-212, Arizona Revised Statutes, is amended to read:

11 19-212. Nomination papers; form; filing

12 A. Unless he otherwise requests in writing, the name of the officer  
13 against whom a recall petition is filed shall be placed as a candidate on the  
14 official ballot without nomination. Other candidates for the office may be  
15 nominated to be voted upon at the election, but the name of no candidate, whose  
16 nomination PETITION ~~paper~~ is signed by fewer qualified electors of the  
17 electoral district from which the officer sought to be recalled was elected than  
18 as is provided in section 16-322, shall be placed upon the official recall  
19 ballot.

20 B. The TITLE AND BODY OF THE nomination PETITION ~~papers~~ shall be  
21 substantially in the following form:

22 Nomination PETITION ~~Paper~~--Recall Election

23 We, the undersigned electors, qualified to vote in the recall election  
24 mentioned herein, residents of the precinct indicated by the residence addresses  
25 given, and residents of the county of \_\_\_\_\_, state of Arizona, hereby  
26 nominate \_\_\_\_\_, who resides at \_\_\_\_\_, in the county of  
27 \_\_\_\_\_ to be a candidate in the recall election for the office of  
28 \_\_\_\_\_ to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and we further  
29 declare that we have not signed and will not sign any nomination paper for any  
30 other person for such office.

31 ~~Name of Signers~~

~~Residences~~

32 THE REMAINDER OF THE PETITION SHALL BE SUBSTANTIALLY IN THE FORM PRESCRIBED IN  
33 SECTION 16-315.

34 C. WHEN RECALL PETITIONS HAVE BEEN FILED AGAINST MORE THAN ONE MEMBER OF  
35 A MULTI-MEMBER PUBLIC BODY WHOSE MEMBERS SERVE AT LARGE, THE NOMINATION PETITION  
36 AND PAPER OF THE OTHER CANDIDATES SHALL STATE WHICH MEMBER THEY OPPOSE.

37 ~~C.~~ D. To each nomination ~~paper~~ PETITION shall be appended a certificate  
38 by a qualified elector entitled to vote for the candidate whose nomination he

1 certifies, stating that to the best of his knowledge and belief all the signers  
2 thereof are qualified electors of the precinct which they give as their  
3 residence.

4 ~~D.~~ E. Such nomination PETITION ~~paper~~ shall be filed not more than ninety  
5 days nor less than sixty days prior to the date of the recall election.

6 Sec. 37. Section 19-216, Arizona Revised Statutes, is repealed:

7 19-216. Election results

8 A. The candidate receiving the largest number of votes shall be declared  
9 elected for the remainder of the term AND SHALL BEGIN SERVING THE REMAINDER OF  
10 THE TERM UPON HIS QUALIFICATION FOR THE OFFICE AND UPON COMPLETION OF THE  
11 CANVASS. Unless the incumbent receives the largest number of votes he shall be  
12 deemed removed from office upon qualification of his successor. If the  
13 incumbent's successor does not qualify within five days after the results of the  
14 election have been declared, the office shall be vacant, and may be filled as  
15 provided by law.

16 B. The incumbent shall continue to perform the duties of his office until  
17 the COMPLETION ~~results~~ of the election ~~are officially declared~~ CANVASS OF THE  
18 ELECTION RETURNS.

19 Sec. 38. Section 41-1239, Arizona Revised Statutes, is amended to read:

20 41-1239. Duties of secretary of state

21 A. The secretary of state shall:

22 1. Prescribe and publish the forms and rules necessary to carry out the  
23 provisions of this article.

24 2. Refer to the attorney general or county attorney for investigation any  
25 matter which the secretary of state has reason to believe constitutes a violation  
26 of any of the provisions of this article.

27 3. Provide for the cross referencing of the registration required by  
28 section 41-1232 so that each lobbyist authorized by a principal pursuant to  
29 section 41-1232, subsection A, shall be identified with such principal.

30 4. Advise incumbents and nonincumbent candidates regarding campaign  
31 finance laws and public officer reporting and disclosure laws. At the request  
32 of the person asking for advice, the secretary of state shall log the request  
33 and the response.

34 B. THE SECRETARY OF STATE MAY PROMULGATE RULES REGARDING INITIATIVE,  
35 REFERENDUM AND RECALL. RULES PROMULGATED PURSUANT TO THIS SUBSECTION APPLY FOR  
36 STATEWIDE, COUNTY AND MUNICIPAL INITIATIVES, REFERENDUMS AND RECALLS.



**APPENDIX F**

**DRAFT LEGISLATION**

**CAMPAIGN FINANCE**

TITLE 16, CHAPTER 6 AMENDMENTS

Section 1. Section 16-901, Arizona Revised Statutes, is amended to read:

16-901. Definitions

In this chapter, unless the context otherwise requires:

~~1. "Campaign committee" includes the state central committee or state committee of any political party, any county, city, town or precinct committee of any political party or of a candidate, and any association or combination of persons organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state, notwithstanding that the association or combination of persons may be part of a larger association or combination of persons not primarily organized, conducted or combined for the purpose of influencing the result of any election in this state or in any county, city, town or precinct in this state.~~

1. "AGENT" MEANS, WITH RESPECT TO ANY PERSON OTHER THAN A CANDIDATE, ANY PERSON WHO HAS ORAL OR WRITTEN AUTHORITY, EITHER EXPRESS OR IMPLIED, TO MAKE OR AUTHORIZE THE MAKING OF EXPENDITURES AS DEFINED IN PARAGRAPH 10 OF THIS SECTION ON BEHALF OF A CANDIDATE OR ANY PERSON WHO HAS BEEN AUTHORIZED BY THE TREASURER OF A POLITICAL COMMITTEE TO MAKE OR AUTHORIZE THE MAKING OF EXPENDITURES.

~~3. "Closing reporting date" means the last day that must be included on a statement of contributions and expenditures filed pursuant to this article. The closing reporting date for such statements filed before a primary, general or special election is twenty days before the election. The closing reporting date for such statements filed after a primary election is ten days after the primary election and twenty days after a general or special election.~~

2. "ANONYMOUS CONTRIBUTION" MEANS ANY CONTRIBUTION RECEIVED BY A POLITICAL COMMITTEE FOR WHICH COMPLETE IDENTIFICATION OF THE CONTRIBUTOR CANNOT BE OBTAINED.

3. "CANDIDATE" MEANS AN INDIVIDUAL WHO RECEIVES OR GIVES CONSENT FOR RECEIPT OF A CONTRIBUTION FOR HIS NOMINATION FOR OR ELECTION TO ANY OFFICE IN THIS STATE OTHER THAN A FEDERAL OFFICE.

~~2-~~ 4. "Candidate's campaign committee" means a ~~campaign~~ POLITICAL committee ~~under the control of a candidate or designated or~~ AND authorized by a candidate. ~~to receive contributions or make expenditures on behalf of the candidate.~~

5. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT THE NAME OF THE CANDIDATE APPEARS, A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS OR THE IDENTITY OF THE CANDIDATE IS OTHERWISE APPARENT BY UNAMBIGUOUS REFERENCE.

1 4- 6. "Constituent communication contribution" means money or the fair  
2 market value of anything directly or indirectly given or loaned to an elected  
3 official for the purpose of defraying the expense of communications with  
4 constituents, REGARDLESS OF WHETHER THE ELECTED OFFICIAL HAS DECLARED HIS  
5 CANDIDACY. Constituent communication contribution does not include the value  
6 of anything directly or indirectly provided to defray the expense of an elected  
7 official meeting with constituents if the elected official is engaged in the  
8 performance of the duties of his office or provided by the state or a political  
9 subdivision to an elected official for communication with constituents if the  
10 elected official is engaged in the performance of the duties of his office.

11 7. "CONTRIBUTION" MEANS ANY GIFT, SUBSCRIPTION, LOAN, ADVANCE OR DEPOSIT  
12 OF MONEY OR ANYTHING OF VALUE MADE FOR THE PURPOSE OF INFLUENCING AN ELECTION,  
13 AND INCLUDES, BUT IS NOT LIMITED TO:

14 (a) CONTRIBUTIONS MADE TO RETIRE CAMPAIGN DEBT.

15 (b) ANY CONSTITUENT COMMUNICATION CONTRIBUTION.

16 (c) THE ENTIRE AMOUNT PAID TO A POLITICAL COMMITTEE TO ATTEND A FUND RAISER  
17 OR OTHER POLITICAL EVENT AND THE ENTIRE AMOUNT PAID TO A POLITICAL COMMITTEE AS  
18 THE PURCHASE PRICE FOR A FUND RAISING ITEM, EXCEPT THAT NO CONTRIBUTION RESULTS  
19 IF THE ACTUAL COST OF THE MEAL OR FUND RAISING ITEM, BASED ON THE AMOUNT CHARGED  
20 TO THE COMMITTEE BY THE VENDOR, CONSTITUTES THE ENTIRE AMOUNT PAID BY THE  
21 PURCHASER FOR THE MEAL OR ITEM, FOR THE PURCHASER'S PERSONAL USE AND NOT FOR  
22 RESALE, AND IS THE ENTIRE AMOUNT PAID BY THE PURCHASER IN CONNECTION WITH THE  
23 FUND RAISER OR EVENT. THIS EXCEPTION DOES NOT APPLY TO AUCTION ITEMS.

24 (d) UNLESS SPECIFICALLY EXEMPTED, THE PROVISION OF GOODS OR SERVICES  
25 WITHOUT CHARGE OR AT A CHARGE WHICH IS LESS THAN THE USUAL AND NORMAL CHARGE FOR  
26 SUCH GOODS AND SERVICES.

27 CONTRIBUTION DOES NOT INCLUDE:

28 (a) THE VALUE OF SERVICES PROVIDED WITHOUT COMPENSATION BY ANY INDIVIDUAL  
29 WHO VOLUNTEERS ON BEHALF OF A CANDIDATE, CANDIDATE'S CAMPAIGN COMMITTEE OR ANY  
30 OTHER POLITICAL COMMITTEE.

31 (b) THE USE OF REAL OR PERSONAL PROPERTY, INCLUDING A CHURCH OR COMMUNITY  
32 ROOM USED ON A REGULAR BASIS BY MEMBERS OF A COMMUNITY FOR NONCOMMERCIAL PURPOSES  
33 OBTAINED BY AN INDIVIDUAL IN THE COURSE OF VOLUNTEERING PERSONAL SERVICES TO ANY  
34 CANDIDATE, CANDIDATE'S COMMITTEE OR A POLITICAL PARTY, AND THE COST OF  
35 INVITATIONS, FOOD AND BEVERAGES, VOLUNTARILY PROVIDED BY AN INDIVIDUAL TO A  
36 CANDIDATE, A CANDIDATE'S CAMPAIGN COMMITTEE OR A POLITICAL PARTY IN RENDERING  
37 VOLUNTARY PERSONAL SERVICES ON THE INDIVIDUAL'S RESIDENTIAL PREMISES OR IN THE  
38 CHURCH OR COMMUNITY ROOM FOR CANDIDATE-RELATED OR POLITICAL PARTY-RELATED  
39 ACTIVITIES, TO THE EXTENT THAT THE CUMULATIVE VALUE OF THE INVITATIONS, FOOD AND  
40 BEVERAGES PROVIDED BY THE INDIVIDUAL ON BEHALF OF ANY SINGLE CANDIDATE DOES NOT  
41 EXCEED ONE HUNDRED DOLLARS WITH RESPECT TO ANY SINGLE ELECTION.

1 (c) ANY UNREIMBURSED PAYMENT FOR PERSONAL TRAVEL EXPENSES MADE BY AN  
2 INDIVIDUAL WHO ON HIS OWN BEHALF VOLUNTEERS HIS PERSONAL SERVICES TO A CANDIDATE.

3 (d) THE PAYMENT BY A POLITICAL PARTY FOR PARTY OPERATING EXPENSES, PARTY  
4 STAFF AND PERSONNEL, PARTY NEWSLETTERS AND REPORTS, VOTER REGISTRATION AND  
5 EFFORTS TO INCREASE VOTER TURNOUT, PARTY ORGANIZATION BUILDING AND MAINTENANCE,  
6 PRINTING AND POSTAGE EXPENSES FOR SLATE CARDS, SAMPLE BALLOTS, OTHER WRITTEN  
7 MATERIALS WHICH SUBSTANTIALLY PROMOTE THREE OR MORE CANDIDATES OF THE PARTY  
8 FOR PUBLIC OFFICE AND OTHER ELECTION ACTIVITIES NOT RELATED TO A SPECIFIC  
9 CANDIDATE EXCEPT THAT THIS SUBDIVISION DOES NOT APPLY TO COSTS INCURRED WITH  
10 RESPECT TO A DISPLAY OF THE LISTING OF CANDIDATES MADE ON TELECOMMUNICATIONS  
11 SYSTEMS OR IN NEWSPAPERS, MAGAZINES OR SIMILAR TYPES OF GENERAL CIRCULATION  
12 ADVERTISING.

13 (e) INDEPENDENT EXPENDITURES.

14 (f) MONEY LOANED BY A CANDIDATE TO HIS CAMPAIGN OR CAMPAIGN COMMITTEE.

15 (g) A LOAN OF MONEY BY A STATE BANK, A FEDERALLY CHARTERED DEPOSITORY  
16 INSTITUTION OR A DEPOSITORY INSTITUTION THE DEPOSITS OR ACCOUNTS OF WHICH ARE  
17 INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE FEDERAL SAVINGS AND  
18 LOAN INSURANCE CORPORATION OR THE NATIONAL CREDIT UNION ADMINISTRATION, OTHER  
19 THAN AN OVERDRAFT MADE WITH RESPECT TO A CHECKING OR SAVINGS ACCOUNT, WHICH IS  
20 MADE IN ACCORDANCE WITH APPLICABLE LAW AND IN THE ORDINARY COURSE OF  
21 BUSINESS, BUT THE LOAN:

22 (i) SHALL BE CONSIDERED A LOAN BY EACH ENDORSER OR GUARANTOR, IN THAT  
23 PROPORTION OF THE UNPAID BALANCE THAT EACH ENDORSER OR GUARANTOR BEARS TO THE  
24 TOTAL NUMBER OF ENDORSERS OR GUARANTORS.

25 (ii) SHALL BE MADE ON A BASIS WHICH ASSURES REPAYMENT, EVIDENCED BY A  
26 WRITTEN INSTRUMENT, AND SUBJECT TO A DUE DATE OR AMORTIZATION SCHEDULE; AND

27 (iii) SHALL BEAR THE USUAL AND CUSTOMARY INTEREST RATE OF THE LENDING  
28 INSTITUTION FOR SIMILAR TRANSACTIONS.

29 (h) A GIFT, SUBSCRIPTION, LOAN, ADVANCE OR DEPOSIT OF MONEY OR ANYTHING  
30 OF VALUE TO A NATIONAL OR A STATE COMMITTEE OF A POLITICAL PARTY SPECIFICALLY  
31 DESIGNATED TO DEFRAY ANY COST FOR THE CONSTRUCTION OR PURCHASE OF AN OFFICE  
32 FACILITY NOT ACQUIRED FOR THE PURPOSE OF INFLUENCING THE ELECTION OF A CANDIDATE  
33 IN ANY PARTICULAR ELECTION.

34 (i) LEGAL OR ACCOUNTING SERVICES RENDERED TO OR ON BEHALF OF A POLITICAL  
35 COMMITTEE OR A CANDIDATE, IF THE ONLY PERSON PAYING FOR THE SERVICES IS THE  
36 REGULAR EMPLOYER OF THE INDIVIDUAL RENDERING THE SERVICES AND IF THE SERVICES  
37 ARE SOLELY FOR THE PURPOSE OF COMPLIANCE WITH THIS TITLE.

38 (j) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF CAMPAIGN MATERIALS,  
39 INCLUDING PINS, BUMPER STICKERS, HANDBILLS, BROCHURES, POSTERS, PARTY TABLOIDS  
40 AND YARD SIGNS, USED BY THE PARTY IN CONNECTION WITH VOLUNTEER ACTIVITIES ON  
41 BEHALF OF ANY NOMINEE OF THE PARTY OR THE PAYMENT BY A STATE OR LOCAL COMMITTEE  
42 OF A POLITICAL PARTY OF THE COSTS OF VOTER REGISTRATION AND GET-OUT-THE-VOTE

1 ACTIVITIES CONDUCTED BY THE COMMITTEE IF THE PAYMENTS ARE NOT FOR THE COSTS OF  
2 CAMPAIGN MATERIALS OR ACTIVITIES USED IN CONNECTION WITH ANY TELECOMMUNICATION,  
3 NEWSPAPER, MAGAZINE, BILLBOARD, DIRECT MAIL OR SIMILAR TYPE OF GENERAL PUBLIC  
4 COMMUNICATION OR POLITICAL ADVERTISING.

5 (k) TRANSFERS BETWEEN POLITICAL COMMITTEES TO DISTRIBUTE MONIES RAISED  
6 THROUGH A JOINT FUND RAISING EFFORT IN THE SAME PROPORTION TO EACH COMMITTEE'S  
7 SHARE OF THE FUND RAISING EXPENSES AND PAYMENTS FROM ONE POLITICAL COMMITTEE TO  
8 ANOTHER IN REIMBURSEMENT OF A COMMITTEE'S PROPORTIONATE SHARE OF ITS EXPENSES  
9 IN CONNECTION WITH A JOINT FUND RAISING EFFORT.

10 (l) AN EXTENSION OF CREDIT FOR GOODS AND SERVICES MADE IN THE ORDINARY  
11 COURSE OF THE CREDITOR'S BUSINESS IF THE TERMS ARE SUBSTANTIALLY SIMILAR TO  
12 EXTENSIONS OF CREDIT TO NONPOLITICAL DEBTORS THAT ARE OF SIMILAR RISK AND SIZE  
13 OF OBLIGATION AND IF THE CREDITOR MAKES A COMMERCIALY REASONABLE ATTEMPT TO  
14 COLLECT THE DEBT.

15 (m) INTEREST OR DIVIDENDS EARNED BY A POLITICAL COMMITTEE ON ANY BANK  
16 ACCOUNTS, DEPOSITS OR OTHER INVESTMENTS OF THE POLITICAL COMMITTEE.

17 8. "EARMARKED" MEANS A DESIGNATION, INSTRUCTION OR ENCUMBRANCE WHICH  
18 RESULTS IN ALL OR ANY PART OF A CONTRIBUTION OR EXPENDITURE BEING MADE TO, OR  
19 EXPENDED ON BEHALF OF, A CLEARLY IDENTIFIED CANDIDATE OR A CANDIDATE'S CAMPAIGN  
20 COMMITTEE.

21 9. "ELECTION" MEANS A PRIMARY, GENERAL, SPECIAL OR RUNOFF ELECTION FOR  
22 ANY OFFICE IN THIS STATE OTHER THAN THE OFFICE OF PRECINCT COMMITTEEMAN AND OTHER  
23 THAN A FEDERAL OFFICE. FOR PURPOSES OF SECTION 16-903 AND 16-905, THE GENERAL  
24 ELECTION INCLUDES THE PRIMARY ELECTION.

25 ~~5. 10. "EXPENDITURE" does not include an expenditure for personal or~~  
26 ~~travel expenses not paid for from campaign funds~~ INCLUDES ANY PURCHASE, PAYMENT,  
27 DISTRIBUTION, LOAN, ADVANCE, DEPOSIT OR GIFT OF MONEY OR ANYTHING OF VALUE MADE  
28 BY A PERSON FOR THE PURPOSE OF INFLUENCING AN ELECTION IN THIS STATE AND A  
29 CONTRACT, PROMISE OR AGREEMENT TO MAKE AN EXPENDITURE RESULTING IN AN EXTENSION  
30 OF CREDIT AND THE VALUE OF ANY IN-KIND CONTRIBUTION RECEIVED. EXPENDITURE DOES  
31 NOT INCLUDE:

32 (a) A NEWS STORY, COMMENTARY OR EDITORIAL DISTRIBUTED THROUGH THE  
33 FACILITIES OF ANY TELECOMMUNICATIONS SYSTEM, NEWSPAPER, MAGAZINE OR OTHER  
34 PERIODICAL PUBLICATION, UNLESS THE FACILITIES ARE OWNED OR CONTROLLED BY ANY  
35 POLITICAL COMMITTEE, POLITICAL PARTY OR CANDIDATE.

36 (b) NONPARTISAN ACTIVITY DESIGNED TO ENCOURAGE INDIVIDUALS TO VOTE OR TO  
37 REGISTER TO VOTE.

1 (c) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF PREPARATION, DISPLAY  
2 OR MAILING OR OTHER DISTRIBUTION INCURRED BY THE PARTY WITH RESPECT TO A PRINTED  
3 SLATE CARD, SAMPLE BALLOT OR OTHER PRINTED LISTING OF THREE OR MORE CANDIDATES  
4 FOR ANY PUBLIC OFFICE FOR WHICH AN ELECTION IS HELD, EXCEPT THAT THIS SUBDIVISION  
5 DOES NOT APPLY TO COSTS INCURRED BY THE PARTY WITH RESPECT TO A DISPLAY OF ANY  
6 LISTING OF CANDIDATES MADE ON BROADCASTING STATIONS OR IN NEWSPAPERS, MAGAZINES  
7 OR SIMILAR TYPES OF GENERAL PUBLIC POLITICAL ADVERTISING.

8 (d) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF CAMPAIGN MATERIALS,  
9 INCLUDING PINS, BUMPERS STICKERS, HANDBILLS, BROCHURES, POSTERS, PARTY TABLOIDS  
10 AND YARD SIGNS, USED BY THE PARTY IN CONNECTION WITH VOLUNTEER ACTIVITIES ON  
11 BEHALF OF ANY NOMINEE OF THE PARTY OR THE PAYMENT BY A STATE OR LOCAL COMMITTEE  
12 OF A POLITICAL PARTY OF THE COSTS OF VOTER REGISTRATION AND GET-OUT-THE-VOTE  
13 ACTIVITIES CONDUCTED BY THE COMMITTEE IF THE PAYMENTS ARE NOT FOR THE COSTS OF  
14 CAMPAIGN MATERIALS OR ACTIVITIES USED IN CONNECTION WITH ANY TELECOMMUNICATIONS  
15 SYSTEM, NEWSPAPER, MAGAZINE, BILLBOARD, DIRECT MAIL OR SIMILAR TYPE OF GENERAL  
16 PUBLIC COMMUNICATION OR POLITICAL ADVERTISING.

17 (e) ANY DEPOSIT OR OTHER PAYMENT FILED WITH THE SECRETARY OF STATE OR OTHER  
18 SIMILAR OFFICER TO PAY ANY PORTION OF THE COST OF PRINTING AN ARGUMENT IN A  
19 PUBLICITY PAMPHLET ADVOCATING OR OPPOSING A BALLOT MEASURE.

20 11. "IDENTIFICATION" MEANS:

21 (a) FOR AN INDIVIDUAL, HIS NAME AND ADDRESS, THE OCCUPATION OF THE  
22 INDIVIDUAL AND THE NAME OF HIS EMPLOYER.

23 (b) FOR ANY OTHER PERSON, INCLUDING A CAMPAIGN COMMITTEE, THE FULL NAME  
24 AND ADDRESS OF THE PERSON. FOR A CAMPAIGN COMMITTEE, IDENTIFICATION INCLUDES  
25 THE IDENTIFICATION NUMBER ISSUED UPON THE FILING OF A SECTION 16-902.01 STATEMENT  
26 OF ORGANIZATION.

27 12. "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE BY A PERSON OR POLITICAL  
28 COMMITTEE, OTHER THAN A CANDIDATE'S CAMPAIGN COMMITTEE, EXPRESSLY ADVOCATING THE  
29 ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE WHICH IS MADE WITHOUT  
30 COOPERATION OR CONSULTATION WITH ANY CANDIDATE OR COMMITTEE OR AGENT OF THE  
31 CANDIDATE AND WHICH IS NOT MADE IN CONCERT WITH OR AT THE REQUEST OR SUGGESTION  
32 OF A CANDIDATE, OR ANY COMMITTEE OR AGENT OF THE CANDIDATE, AND AN EXPENDITURE  
33 CAN NOT BE AN INDEPENDENT EXPENDITURE IF:

34 (a) ANY OFFICER, MEMBER, EMPLOYEE OR AGENT OF THE POLITICAL COMMITTEE  
35 MAKING THE EXPENDITURE IS ALSO AN OFFICER, MEMBER, EMPLOYEE OR AGENT OF THE  
36 COMMITTEE OF THE CANDIDATE WHOSE ELECTION OR WHOSE OPPONENT'S DEFEAT IS BEING  
37 ADVOCATED BY THE EXPENDITURE OR AN AGENT OF THE CANDIDATE WHOSE ELECTION OR WHOSE  
38 OPPONENT'S DEFEAT IS BEING ADVOCATED BY THE EXPENDITURE.

39 (b) THERE IS ANY ARRANGEMENT, COORDINATION OR DIRECTION WITH RESPECT TO  
40 THE EXPENDITURE BETWEEN THE CANDIDATE OR THE CANDIDATE'S AGENT AND THE PERSON  
41 MAKING THE EXPENDITURE, INCLUDING ANY OFFICER, DIRECTOR, EMPLOYEE OR AGENT OF  
42 SUCH PERSON.

1 (c) IN THE SAME ELECTION THE PERSON MAKING THE EXPENDITURE, INCLUDING ANY  
2 OFFICER, DIRECTOR, EMPLOYEE OR AGENT OF SUCH PERSON, IS OR HAS BEEN:

3 (i) AUTHORIZED TO RAISE OR EXPEND FUNDS ON BEHALF OF THE CANDIDATE OR THE  
4 CANDIDATE'S AUTHORIZED COMMITTEES.

5 (ii) RECEIVING ANY FORM OF COMPENSATION OR REIMBURSEMENT FROM THE  
6 CANDIDATE, THE CANDIDATE'S COMMITTEES OR THE CANDIDATE'S AGENT.

7 (d) THE EXPENDITURE IS BASED ON INFORMATION ABOUT THE CANDIDATE'S PLANS,  
8 PROJECTS OR NEEDS, OR THOSE OF HIS CAMPAIGN COMMITTEE, PROVIDED TO THE EXPENDING  
9 PERSON BY THE CANDIDATE OR BY THE CANDIDATE'S AGENTS OR ANY OFFICER, MEMBER OR  
10 EMPLOYEE OF THE CANDIDATE'S CAMPAIGN COMMITTEE WITH A VIEW TOWARD HAVING THE  
11 EXPENDITURE MADE.

12 13. "IN-KIND CONTRIBUTION" IS A CONTRIBUTION OF GOODS OR SERVICES OR  
13 ANYTHING OF VALUE AND NOT A MONETARY CONTRIBUTION.

14 ~~6.~~ 14. "Itemized" means that ~~a class of like expenditures or contributions~~  
15 ~~is stated under one item and that separate classes of expenditures or~~  
16 ~~contributions are~~ EACH CONTRIBUTION RECEIVED OR EXPENDITURE MADE IS stated SET  
17 FORTH separately.

18 ~~7. "Opening reporting date" means:~~

19 ~~(a) For statements of contributions and expenditures relating to~~  
20 ~~candidates, including a judge who seeks to be retained in office, the date on~~  
21 ~~which the first previously unreported contribution or expenditure is received~~  
22 ~~or made relating to the election or the first day following the closing reporting~~  
23 ~~date of the last statement of contributions and expenditures filed pursuant to~~  
24 ~~this article.~~

25 ~~(b) For statements of contributions and expenditures relating to~~  
26 ~~initiatives and referendums or any other measure or proposition appearing on a~~  
27 ~~ballot, the date on which the first contribution or expenditure is received or~~  
28 ~~made either after the secretary of state, the clerk of the board of supervisory~~  
29 ~~or the city or town clerk, as appropriate, assigns a number to the initiative~~  
30 ~~or referendum petition or ballot measure or proposition as provided in Sections~~  
31 ~~19 111, 19 141, and 19 144 or after the legislature refers a measure or proposed~~  
32 ~~amendment of the constitution or a city or town council refers a charter~~  
33 ~~amendment or the first day following the closing reporting date of the last~~  
34 ~~statement of contributions and expenditures filed pursuant to this article.~~

35 ~~8. "Political activity" includes the printing and circulation of nomination~~  
36 ~~petitions of candidates and of initiative or referendum petitions.~~

37 ~~9. "Promise" includes any promise, present or future, whether or not~~  
38 ~~evidenced in writing.~~

1           15. "PERSONAL FUNDS" MEANS:

2           (a) ASSETS WHICH THE CANDIDATE HAD LEGAL RIGHT OF ACCESS TO OR CONTROL OVER  
3 AT THE TIME HE BECAME A CANDIDATE AND WITH RESPECT TO WHICH THE CANDIDATE HAD  
4 EITHER LEGAL AND RIGHTFUL TITLE OR AN EQUITABLE INTEREST.

5           (b) SALARY AND OTHER EARNED INCOME FROM BONA FIDE EMPLOYMENT OF THE  
6 CANDIDATE; DIVIDENDS AND PROCEEDS FROM THE SALE OF THE STOCKS OR INVESTMENTS OF  
7 THE CANDIDATE; BEQUESTS TO THE CANDIDATE; INCOME TO THE CANDIDATE FROM TRUSTS  
8 ESTABLISHED BEFORE CANDIDACY; INCOME TO THE CANDIDATE FROM TRUSTS ESTABLISHED  
9 BY BEQUEST AFTER CANDIDACY OF WHICH THE CANDIDATE IS A BENEFICIARY; GIFTS TO  
10 THE CANDIDATE OF A PERSONAL NATURE WHICH HAD BEEN CUSTOMARILY RECEIVED PRIOR TO  
11 CANDIDACY; AND PROCEEDS RECEIVED BY THE CANDIDATE FROM LOTTERIES AND OTHER LEGAL  
12 GAMES OF CHANCE.

13           16. "POLITICAL COMMITTEE" MEANS ANY ASSOCIATION OR COMBINATION OF PERSONS  
14 ORGANIZED, CONDUCTED OR COMBINED FOR THE PURPOSE OF INFLUENCING THE RESULT OF  
15 ANY ELECTION IN THIS STATE OR IN ANY COUNTY, CITY, TOWN, DISTRICT OR PRECINCT  
16 IN THIS STATE NOTWITHSTANDING THAT THE ASSOCIATION OR COMBINATION OF PERSONS MAY  
17 BE PART OF A LARGER ASSOCIATION OR COMBINATION OF PERSONS OR A SPONSORING  
18 ORGANIZATION NOT PRIMARILY ORGANIZED, CONDUCTED OR COMBINED FOR THE PURPOSE OF  
19 INFLUENCING THE RESULT OF ANY ELECTION IN THIS STATE OR IN ANY COUNTY, CITY TOWN  
20 OR PRECINCT IN THIS STATE. POLITICAL COMMITTEE INCLUDES THE FOLLOWING TYPES OF  
21 COMMITTEES:

22           (a) A CANDIDATE'S CAMPAIGN COMMITTEE.

23           (b) A SEPARATE, SEGREGATED FUND ESTABLISHED BY A CORPORATION OR LABOR  
24 ORGANIZATION PURSUANT TO SECTION 16-920, SUBSECTION A, PARAGRAPH 3.

25           (c) A COMMITTEE ACTING IN SUPPORT OF OR IN OPPOSITION TO THE QUALIFICATION,  
26 PASSAGE OR DEFEAT OF A BALLOT MEASURE, QUESTION OR PROPOSITION.

27           (d) A COMMITTEE ORGANIZED TO CIRCULATE OR OPPOSE A RECALL PETITION OR TO  
28 INFLUENCE THE RESULT OF A RECALL ELECTION.

29           (e) A POLITICAL PARTY.

30           (f) A COMMITTEE ORGANIZED FOR THE PURPOSE OF MAKING INDEPENDENT  
31 EXPENDITURES.

32           (g) A COMMITTEE ORGANIZED IN SUPPORT OF OR IN OPPOSITION TO ONE OR MORE  
33 CANDIDATES.

34           17. "POLITICAL PARTY" MEANS THE STATE CENTRAL COMMITTEE OR STATE COMMITTEE  
35 OF AN ORGANIZATION WHICH MEETS THE REQUIREMENTS FOR RECOGNITION AS A POLITICAL  
36 PARTY PURSUANT TO SECTION 16-801 OR SECTION 16-804, SUBSECTION A OR A COUNTY OR  
37 STATE COMMITTEE OF A POLITICAL PARTY AS PRESCRIBED IN SECTION 16-821 OR 16-825.



1 18. "SPONSORING ORGANIZATION" MEANS ANY ORGANIZATION WHICH ESTABLISHES,  
2 ADMINISTERS AND FINANCIALLY SUPPORTS, OR WHICH HAS COMMON OR OVERLAPPING  
3 MEMBERSHIP OR OFFICERS WITH, A POLITICAL COMMITTEE OTHER THAN A CANDIDATE'S  
4 CAMPAIGN COMMITTEE.

5 19. "STATEWIDE OFFICE" MEANS THE OFFICE OF GOVERNOR, SECRETARY OF STATE,  
6 STATE TREASURER, ATTORNEY GENERAL, SUPERINTENDENT OR PUBLIC INSTRUCTION,  
7 CORPORATION COMMISSIONER OR MINE INSPECTOR

8 20. "SURPLUS FUNDS" ARE THOSE FUNDS OF A POLITICAL COMMITTEE REMAINING  
9 AFTER ALL OF THE COMMITTEE'S EXPENDITURES HAVE BEEN MADE AND ITS DEBTS  
10 EXTINGUISHED.

11 Sec.2 Repeal

12 Section 16-902, Arizona Revised Statutes, is repealed.

13 Sec 3. Title 16, chapter 6, article 1, Arizona Revised Statutes, is amended  
14 by adding section 16-902, to read:

15 16-902. Organization of political committees

16 A. EACH POLITICAL COMMITTEE SHALL HAVE A CHAIRMAN AND TREASURER. THE  
17 POSITION OF CHAIRMAN AND TREASURER OF A SINGLE POLITICAL COMMITTEE MAY NOT BE  
18 HELD BY THE SAME INDIVIDUAL. A CANDIDATE MAY BE CHAIRMAN OF HIS OWN CAMPAIGN  
19 COMMITTEE. NO CONTRIBUTION OR EXPENDITURE SHALL BE ACCEPTED OR MADE BY OR ON  
20 BEHALF OF A POLITICAL COMMITTEE DURING ANY PERIOD IN WHICH THE OFFICE OF  
21 TREASURER IS VACANT.

22 B. THE NAME OF EACH POLITICAL COMMITTEE SHALL INCLUDE THE NAME OF ANY  
23 SPONSORING ORGANIZATION AND, IN THE CASE OF A CANDIDATE'S CAMPAIGN COMMITTEE,  
24 THE COMMITTEE'S NAME SHALL INCLUDE THE NAME OF THE CANDIDATE WHO DESIGNATED THE  
25 COMMITTEE PURSUANT TO SECTION 16-903.

26 C. EACH POLITICAL COMMITTEE SHALL DESIGNATE ONE OR MORE STATE BANKS,  
27 FEDERALLY CHARTERED DEPOSITORY INSTITUTIONS, OR DEPOSITORY INSTITUTIONS THE  
28 DEPOSITS OR ACCOUNTS OF WHICH ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE  
29 CORPORATION, THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION OR THE NATIONAL  
30 CREDIT UNION ADMINISTRATION, AS ITS CAMPAIGN DEPOSITORY OR DEPOSITORIES. EACH  
31 POLITICAL COMMITTEE SHALL MAINTAIN AT LEAST ONE CHECKING ACCOUNT AND SUCH OTHER  
32 ACCOUNTS AS THE COMMITTEE DEEMS NECESSARY AT A DEPOSITORY OR DEPOSITORIES  
33 DESIGNATED BY THE COMMITTEE. ALL WITHDRAWALS OR DISBURSEMENTS FROM SUCH ACCOUNTS  
34 SHALL REQUIRE THE SIGNATURE OF THE TREASURER OR A DESIGNATED AGENT OF THE  
35 POLITICAL COMMITTEE.

36 Sec. 4, title 16, chapter 6, article 1, Arizona Revised Statutes, is  
37 amended by adding section 16-902.01, to read:

38 16-902.01. Registration of political committees; contents; amendment

39 A. EACH POLITICAL COMMITTEE SHALL FILE A STATEMENT OF ORGANIZATION NO  
40 LATER THAN TEN DAYS AFTER DESIGNATION PURSUANT TO SECTION 16-903 IN THE CASE OF  
41 A CANDIDATE'S CAMPAIGN COMMITTEE, AND NO LATER THAN TEN DAYS AFTER BECOMING A

1 POLITICAL COMMITTEE WITHIN THE MEANING OF SECTION 16-901, PARAGRAPH 16, IN THE  
2 CASE OF ALL OTHER POLITICAL COMMITTEES.

3 B. THE STATEMENT OF ORGANIZATION OF A POLITICAL COMMITTEE SHALL INCLUDE  
4 ALL OF THE FOLLOWING:

5 1. THE NAME, ADDRESS AND TYPE OF COMMITTEE.

6 2. THE NAME, ADDRESS, RELATIONSHIP AND TYPE OF ANY SPONSORING  
7 ORGANIZATION.

8 3. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CHAIRMAN AND TREASURER  
9 OF THE COMMITTEE.

10 4. IN THE CASE OF A CANDIDATE'S CAMPAIGN COMMITTEE, THE NAME, ADDRESS,  
11 OFFICE SOUGHT AND PARTY AFFILIATION OF THE CANDIDATE.

12 5. A LISTING OF ALL BANKS, SAFETY DEPOSIT BOXES OR OTHER DEPOSITORIES USED  
13 BY THE COMMITTEE.

14 C. UPON THE FILING OF A STATEMENT OF ORGANIZATION, A POLITICAL COMMITTEE  
15 SHALL BE ISSUED AN IDENTIFICATION NUMBER.

16 D. AN AMENDED STATEMENT OF ORGANIZATION REPORTING ANY CHANGE IN THE  
17 INFORMATION PRESCRIBED IN SUBSECTION B OF THIS SECTION SHALL BE FILED WITHIN TEN  
18 DAYS AFTER THE CHANGE.

19 Sec 5. Title 16, chapter 6, article 1, Arizona Revised Statutes, is  
20 amended by adding section 16-902.02, to read:

21 16-902.02. Out-of-state political committees; registration; initial  
22 reporting

23 A POLITICAL COMMITTEE FILING A STATEMENT OF ORGANIZATION IN THIS STATE  
24 PURSUANT TO SECTION 16-902.01 THAT IS REGISTERED IN ANOTHER STATE OR PURSUANT  
25 TO FEDERAL LAW AND THAT INTENDS TO USE IN THIS STATE FUNDS RAISED PRIOR TO FILING  
26 ITS STATEMENT OF ORGANIZATION, SHALL ALSO FILE COMPLETE COPIES OF ITS PREVIOUS  
27 CAMPAIGN FINANCE OR OTHER SIMILAR REPORTS FILED IN THOSE OTHER JURISDICTIONS  
28 WHICH COVER ALL CONTRIBUTIONS OR RECEIPTS THAT THE COMMITTEE INTENDS TO USE IN  
29 THIS STATE TOGETHER WITH ITS STATEMENT OF ORGANIZATION.

30 Sec. 6. Repeal

31 Section 16-903, Arizona Revised Statutes, is repealed.

32 Sec. 7. Title 16, chapter 6, article 1, Arizona Revised Statutes, is amended  
33 by adding section 16-903, to read:

34 16-903. Candidate's campaign committee; designation; candidate as agent

35 A. EACH CANDIDATE, OTHER THAN A JUDGE WHO IS A CANDIDATE FOR RETENTION IN  
36 OFFICE, SHALL DESIGNATE IN WRITING A POLITICAL COMMITTEE FOR EACH ELECTION TO  
37 SERVE AS THE CANDIDATE'S CAMPAIGN COMMITTEE. A DESIGNATION PURSUANT TO THIS

1 SUBSECTION SHALL BE MADE NO LATER THAN TEN DAYS AFTER BECOMING A CANDIDATE.

2 B. A CANDIDATE MAY HAVE ONLY ONE CAMPAIGN COMMITTEE DESIGNATED FOR EACH  
3 ELECTION, HOWEVER, A CANDIDATE MAY HAVE MORE THAN ONE CAMPAIGN COMMITTEE  
4 SIMULTANEOUSLY IN EXISTENCE.

5 C. A POLITICAL COMMITTEE WHICH SUPPORTS OR HAS SUPPORTED ANOTHER CANDIDATE  
6 OR MORE THAN ONE CANDIDATE MAY NOT BE DESIGNATED AS A CANDIDATE'S CAMPAIGN  
7 COMMITTEE.

8 D. ANY CANDIDATE WHO RECEIVES A CONTRIBUTION OR ANY LOAN FOR USE IN  
9 CONNECTION WITH THE CAMPAIGN OF THAT CANDIDATE FOR ELECTION, OR MAKES A  
10 DISBURSEMENT IN CONNECTION WITH THAT CAMPAIGN, SHALL BE CONSIDERED, FOR PURPOSES  
11 OF THIS ARTICLE, AS HAVING RECEIVED THE CONTRIBUTION OR LOAN, OR AS HAVING MADE  
12 THE DISBURSEMENT, AS AN AGENT OF THE CANDIDATE'S CAMPAIGN COMMITTEE.

13 E. AN ELECTED OFFICIAL IS NOT DEEMED TO HAVE OFFERED HIMSELF FOR NOMINATION  
14 OR ELECTION TO AN OFFICE OR TO HAVE MADE A FORMAL, PUBLIC DECLARATION OF  
15 CANDIDACY WITHIN THE MEANING OF SECTION 38-296 SOLELY BY HIS DESIGNATION OF A  
16 CANDIDATE CAMPAIGN COMMITTEE.

17 Sec 8. Repeal

18 Section 16-904, Arizona Revised Statutes, is repealed.

19 Sec. 9. Title 16, chapter 6, article 1, Arizona Revised Statutes, is  
20 amended by adding section 16-904, to read:

21 16-904. Treasurer; duties; records; providing false information to  
22 treasurer; penalty

23 A. NO EXPENDITURE SHALL BE MADE FOR OR ON BEHALF OF A POLITICAL COMMITTEE  
24 WITHOUT THE AUTHORIZATION OF THE TREASURER OR HIS DESIGNATED AGENT.

25 B. NO EXPENDITURE MAY BE MADE, OTHER THAN PETTY CASH DISBURSEMENTS  
26 PURSUANT TO SUBSECTION C OF THIS SECTION, BY A POLITICAL COMMITTEE EXCEPT BY  
27 CHECK DRAWN ON AN ACCOUNT DESIGNATED PURSUANT TO SECTION 16-902, SUBSECTION C.

28 C. A TREASURER OF A POLITICAL COMMITTEE MAY MAINTAIN A PETTY CASH FUND  
29 AT EACH ADDRESS FOR DISBURSEMENTS NOT IN EXCESS OF FIFTY DOLLARS TO ANY PERSON  
30 IN CONNECTION WITH A SINGLE PURCHASE OR TRANSACTION. A RECORD OF ALL PETTY CASH  
31 DISBURSEMENTS SHALL BE MAINTAINED PURSUANT TO SUBSECTION G, PARAGRAPH 4 OF THIS  
32 SECTION.

33 D. ALL RECEIPTS RECEIVED BY A POLITICAL COMMITTEE SHALL BE DEPOSITED INTO  
34 AN ACCOUNT DESIGNATED PURSUANT TO SECTION 16-902, SUBSECTION C. ALL FUNDS OF  
35 A POLITICAL COMMITTEE SHALL BE SEGREGATED FROM, AND MAY NOT BE COMMINGLED WITH,  
36 THE FUNDS OF ANY INDIVIDUAL OTHER THAN CONTRIBUTIONS BY AN INDIVIDUAL.

37 E. EVERY PERSON WHO RECEIVES A CONTRIBUTION OR OTHER FUNDS FOR A CANDIDATE  
38 OR A POLITICAL COMMITTEE SHALL, NO LATER THAN FIVE DAYS AFTER THE RECEIPT,  
39 FORWARD TO THE TREASURER THE CONTRIBUTION OR OTHER FUNDS TOGETHER WITH THE  
40 IDENTIFICATION OF THE INDIVIDUAL OR POLITICAL COMMITTEE FROM WHICH IT WAS

1 RECEIVED AND THE DATE OF RECEIPT, WHICH SHALL PROMPTLY BE ENTERED IN A RECORD  
2 KEPT BY THE TREASURER FOR THAT PURPOSE. ANY PERSON REQUIRED TO PROVIDE  
3 INFORMATION TO THE TREASURER PURSUANT TO THIS SUBSECTION, WHO KNOWINGLY PROVIDES  
4 FALSE INFORMATION TO THE TREASURER IS GUILTY OF A CLASS SIX FELONY.

5 F. AN ANONYMOUS CONTRIBUTION SHALL NOT BE DEPOSITED INTO A DESIGNATED  
6 ACCOUNT BUT WITHIN THIRTY DAYS SHALL BE PAID OR ENDORSED TO THE STATE TREASURER  
7 FOR DEPOSIT IN THE GENERAL FUND IF THERE IS INSUFFICIENT INFORMATION TO PERMIT  
8 A RETURN OF THE CONTRIBUTION TO THE CONTRIBUTOR. IF SUFFICIENT INFORMATION  
9 EXISTS TO PERMIT A RETURN OF THE CONTRIBUTION, THAT CONTRIBUTION SHALL BE  
10 RETURNED WITHIN THIRTY DAYS.

11 G. THE TREASURER OF A POLITICAL COMMITTEE SHALL BE THE CUSTODIAN OF THE  
12 COMMITTEE'S BOOKS AND ACCOUNTS AND SHALL KEEP AN ACCOUNT OF ALL OF THE FOLLOWING:

13 1. ALL CONTRIBUTIONS OR OTHER FUNDS RECEIVED BY OR ON BEHALF OF THE  
14 POLITICAL COMMITTEE.

15 2. THE IDENTIFICATION OF ANY INDIVIDUAL OR POLITICAL COMMITTEE WHO MAKES  
16 ANY CONTRIBUTION TOGETHER WITH THE DATE AND AMOUNT OF EACH CONTRIBUTION AND THE  
17 DATE OF DEPOSIT INTO A DESIGNATED ACCOUNT.

18 3. CUMULATIVE TOTALS CONTRIBUTED BY EACH INDIVIDUAL OR POLITICAL  
19 COMMITTEE.

20 4. THE NAME AND ADDRESS OF EVERY PERSON TO WHOM ANY EXPENDITURE IS MADE,  
21 THE DATE, AMOUNT AND PURPOSE OR REASON FOR THE EXPENDITURE AND, EXCEPT IN THE  
22 CASE OF AN EXPENDITURE BY A CANDIDATE COMMITTEE, THE NAME OF THE CANDIDATE AND  
23 THE OFFICE SOUGHT BY THE CANDIDATE IF THE EXPENDITURE WAS MADE ON BEHALF OF OR  
24 IN OPPOSITION TO A CANDIDATE. EVERY EXPENDITURE OR DISBURSEMENT IN EXCESS OF  
25 TEN DOLLARS SHALL BE EVIDENCED BY AN ITEMIZED RECEIPT OR INVOICE.

26  
27 5. ALL PERIODIC OR OTHER STATEMENTS FOR EACH ACCOUNT DESIGNATED PURSUANT  
28 TO SECTION 16-902, SUBSECTION C.

29 6. A SEPARATE RECORD OF THE DATE AND AMOUNT OF EACH ANONYMOUS CONTRIBUTION  
30 TOGETHER WITH THE DATE RETURNED TO THE CONTRIBUTOR OR A RECEIPT FROM THE STATE  
31 TREASURER EVIDENCING THE DATE OF PAYMENT TO THE TREASURER FOR DEPOSIT IN THE  
32 GENERAL FUND AS APPROPRIATE.

33 H. UNLESS SPECIFIED BY THE CONTRIBUTOR OR CONTRIBUTORS TO THE CONTRARY,  
34 THE TREASURER SHALL RECORD A CONTRIBUTION MADE BY CHECK, MONEY ORDER OR OTHER  
35 WRITTEN INSTRUMENT AS A CONTRIBUTION BY THE LAST PERSON OR ENTITY SIGNING OR  
36 ENDORSING THE INSTRUMENT PRIOR TO DELIVERY TO THE COMMITTEE. IF AN ITEMIZED  
37 CONTRIBUTION IS MADE BY MORE THAN ONE PERSON IN A SINGLE WRITTEN INSTRUMENT, THE  
38 TREASURER SHALL RECORD THE AMOUNT TO BE ATTRIBUTED TO EACH CONTRIBUTOR AS  
39 SPECIFIED.

40 I. THE TREASURER SHALL PRESERVE ALL RECORDS REQUIRED TO BE KEPT BY THIS  
41 SECTION AND COPIES OF ALL FINANCE REPORTS REQUIRED TO BE FILED BY THIS ARTICLE  
42 FOR THREE YEARS AFTER THE FILING OF THE FINANCE REPORT COVERING THE RECEIPTS AND  
43 DISBURSEMENTS EVIDENCED BY THE RECORDS.

1 J. UPON REQUEST OF THE ATTORNEY GENERAL OR SECRETARY OF STATE OR OTHER  
2 OFFICER WITH WHOM ANY OF THE COMMITTEE'S FINANCE REPORTS ARE FILED, THE TREASURER  
3 SHALL PROVIDE ANY OF THE RECORDS REQUIRED TO BE KEPT PURSUANT TO THIS SECTION.

4 Sec. 10. Section 16-905, Arizona Revised Statutes, is amended to read:

5 16-905 Contribution limitations.

6 A. For an ~~office~~ ELECTION other than FOR a statewide ~~office~~ ELECTION, a  
7 contributor shall not give and a candidate OR CANDIDATE'S CAMPAIGN COMMITTEE  
8 shall not accept contributions of more than:

9 1. Two hundred dollars from an individual.

10 2. One thousand dollars from a single ~~campaign~~ POLITICAL committee.

11 B. For AN ELECTION FOR a statewide office, a contributor shall not give  
12 and a candidate OR CANDIDATE'S COMMITTEE shall not accept contributions of more  
13 than:

14 1. Five hundred dollars from an individual.

15 2. Two thousand five hundred dollars from a single ~~campaign~~ POLITICAL  
16 committee.

17 C. A candidate shall not accept contributions from all ~~campaign~~ POLITICAL  
18 committees combined totaling more than five thousand dollars for an office other  
19 than a statewide office, or fifty thousand dollars for a statewide office.

20 D. An individual shall not make contributions totaling more than two  
21 thousand dollars in a calendar year to state and local candidates, ~~campaign~~  
22 POLITICAL committees contributing to state or local candidates and ~~campaign~~  
23 POLITICAL committees advocating the election or defeat of state or local  
24 candidates. Contributions to political parties are exempt from the limitations  
25 of this subsection.

26 E. USE OF A CANDIDATE'S PERSONAL FUNDS ARE NOT SUBJECT TO THE LIMITATIONS  
27 OF THIS SECTION, BUT if a candidate contributes or obligates more than ten  
28 thousand dollars of ~~his own money~~ SUCH PERSONAL FUNDS to a campaign for an office  
29 other than a statewide office, or one hundred thousand dollars for a statewide  
30 office, the candidate shall, within twenty-four hours, give written notice of  
31 the ~~fact~~ AMOUNT CONTRIBUTED OR OBLIGATED to the ~~secretary of state~~ and all other  
32 candidates for the same office AND TO THE SECRETARY OF STATE IF FOR A STATEWIDE  
33 OFFICE OR THE LEGISLATURE, WITH THE CLERK OF THE BOARD OF SUPERVISORS IF FOR A  
34 COUNTY OFFICE, OR WITH THE CITY OR TOWN CLERK IF FOR A CITY OR TOWN OFFICE. ~~From~~  
35 ~~that time until they exceed these amounts~~ Other candidates for the same office  
36 AND CONTRIBUTORS TO THOSE CANDIDATES are not subject to the limitations of  
37 Subsections A, B, and C OF THIS SECTION UNTIL THESE CANDIDATES RECEIVE  
38 CONTRIBUTIONS TOTALING TEN THOUSAND DOLLARS FOR AN OFFICE OTHER THAN A STATEWIDE  
39 OFFICE OR ONE HUNDRED THOUSAND DOLLARS FOR A STATEWIDE OFFICE, AS MEASURED FROM  
40 THE FIRST CONTRIBUTION DESIGNATED FOR THE ELECTION FOR THAT OFFICE, AFTER  
41 RECEIVING THE NOTICE.

1 F. A ~~candidate or~~ CANDIDATE'S campaign committee ~~under the control of a~~  
2 ~~candidate shall not contribute or transfer funds to another candidate or~~  
3 ~~CANDIDATE'S campaign committee under the control of a candidate.~~ THIS SUBSECTION  
4 AND THE CONTRIBUTION LIMITATIONS OF THIS SECTION DO NOT APPLY TO A TRANSFER OR  
5 CONTRIBUTION OF FUNDS MADE BY A CANDIDATE'S DESIGNATED CAMPAIGN COMMITTEE TO  
6 ANOTHER CAMPAIGN COMMITTEE DESIGNATED BY THAT SAME CANDIDATE.

7 G. Only ~~campaign~~ POLITICAL committees that received funds from five  
8 hundred or more individuals in amounts of ten dollars or more in the one year  
9 period ~~preceding the last closing reporting date~~ IMMEDIATELY BEFORE APPLICATION  
10 TO THE SECRETARY OF STATE FOR QUALIFICATION AS A POLITICAL COMMITTEE PURSUANT  
11 TO THIS SECTION may make contributions to candidates under subsection A,  
12 paragraph 2 OF THIS SECTION and subsection B, paragraph 2 OF THIS SECTION. The  
13 secretary of state shall obtain information necessary to make the determination  
14 that a committee meets the requirements of this subsection and shall provide  
15 written certification of the fact to the committee. A POLITICAL COMMITTEE  
16 CERTIFICATION IS VALID FOR A PERIOD OF TWO YEARS. A ~~candidate~~ CANDIDATE'S  
17 CAMPAIGN COMMITTEE shall not accept a contribution pursuant to this subsection  
18 unless accompanied by a copy of the certification. All ~~campaign~~ POLITICAL  
19 committees that do not meet the requirements of this subsection are subject to  
20 the individual campaign contribution limits of subsection A, paragraph 1 OF THIS  
21 SECTION and subsection B, paragraph 1 OF THIS SECTION.

22 H. The secretary of state shall, biennially, adjust to the nearest ten  
23 dollars the amounts in ~~subsection~~ SUBSECTIONS A through E OF THIS SECTION by the  
24 percentage change in the metropolitan Phoenix consumer price index, ~~as defined~~  
25 ~~in section 43-251,~~ and publish the new amounts for distribution to election  
26 officials, candidates and campaign committees. IN THIS SUBSECTION, "METROPOLITAN  
27 PHOENIX CONSUMER PRICE INDEX" MEANS THE INDEX DETERMINED BY THE DEPARTMENT OF  
28 REVENUE AND BASED ON FIGURES PUBLISHED BY THE BUREAU OF BUSINESS AND ECONOMIC  
29 RESEARCH, COLLEGE OF BUSINESS ADMINISTRATION, ARIZONA STATE UNIVERSITY, OR ITS  
30 SUCCESSOR, THAT DEMONSTRATES CHANGES IN PRICES IN THE METROPOLITAN PHOENIX AREA.

31 I. The following specific limitations and procedures apply;

32 1. The limits of subsection A, B, C ~~through~~ AND E OF THIS SECTION apply  
33 TO EACH ELECTION AS DEFINED IN SECTION 16-901 for any office or offices which  
34 the candidate seeks, ~~from the opening reporting date to the closing reporting~~  
35 ~~date of the campaign, as defined in section 16-901. A candidate who has received~~  
36 ~~prior contributions from an individual or a campaign committee during a campaign~~  
37 ~~shall show in each report the cumulative total from that source.~~

38 2. ALL CONTRIBUTIONS TO A CANDIDATE OR CANDIDATE'S CAMPAIGN COMMITTEE OF  
39 MORE THAN TWENTY-FIVE DOLLARS MUST BE MADE BY A CHECK DRAWN ON THE ACCOUNT OF  
40 THE ACTUAL CONTRIBUTOR OR BY A MONEY ORDER OR CASHIER'S CHECK CONTAINING THE NAME  
41 OF THE ACTUAL CONTRIBUTOR.

42 ~~2-~~ 3. The limits of ~~subsection~~ SUBSECTIONS A, ~~paragraph 2,~~ and ~~subsection~~  
43 ~~B, paragraph 2~~ OF THIS SECTION apply to the total contributions from all separate  
44 segregated funds established, as provided in section 16-920, by a corporation,  
45 labor organization, trade association, cooperative or corporation without capital  
46 stock.

1        ~~3-~~ 4. A contribution by a AN UNEMANCIPATED minor child shall be treated  
2 as a contribution by his CUSTODIAL PARENT OR parents for determining compliance  
3 with subsection A, paragraph 1, subsection B, paragraph 1 and subsection D OF  
4 THIS SECTION.

5        ~~4-~~ 5. A contribution BY AN INDIVIDUAL OR A SINGLE POLITICAL COMMITTEE  
6 to two or more candidates IN CONNECTION WITH A JOINT FUND RAISING EFFORT shall  
7 be apportioned equally between or among the candidates for determining compliance  
8 with subsections A, B and C DIVIDED BETWEEN THE CANDIDATES IN DIRECT PROPORTION  
9 TO EACH CANDIDATE CAMPAIGN COMMITTEE'S SHARE OF THE EXPENSES FOR THE FUND RAISING  
10 EFFORT.

11        ~~5-~~ 6. A candidate shall sign and file with his nominating NOMINATION  
12 petition PAPER A statement that he has read and understands all applicable laws  
13 relating to campaign financing and reporting.

14        ~~6-~~ 7. An individual or campaign POLITICAL committee shall not make a  
15 contribution to a candidate through another individual or campaign committee,  
16 use economic influence to induce members of an organization to make contributions  
17 to a candidate, collect contributions from members of an organization for  
18 transmittal to a candidate, make payments to candidates for public appearances  
19 or services which are ordinarily uncompensated or use any similar device to  
20 circumvent ANY OF THE LIMITATIONS the intent of this section.

21        ~~J. A knowing violation of any provision of this section is a class 1~~  
22 ~~misdemeanor. An unknowing violation carries a civil penalty of up to three times~~  
23 ~~the amount of the illegal contribution.~~

24        ~~K. On conviction of a knowing violation of any provision of this section,~~  
25 ~~the court shall pronounce judgment that the candidate be immediately removed from~~  
26 ~~office.~~

27        ~~L-~~ J. Any qualified elector may file a sworn complaint with the attorney  
28 general or the county attorney of the county in which a violation of this section  
29 is believed to have occurred, and the attorney general or the county attorney  
30 shall investigate the complaint for possible criminal or civil action.

31        ~~M-~~ K. If the attorney general or county attorney fails to institute an  
32 action within forty-five working days after receiving a complaint under  
33 subsection ~~L-~~ J OF THIS SECTION, then the individual filing the complaint may  
34 bring a civil action in his own name and at his own expense, with the same effect  
35 as if brought by the attorney general or county attorney. The individual shall  
36 execute a bond payable to the defendant if the individual fails to prosecute the  
37 action successfully. The court shall award to the prevailing party costs and  
38 reasonable attorney fees.

39        ~~N. A county, city or town may adopt campaign contribution provisions that~~  
40 ~~are stricter than those provided for in this section.~~

41        ~~O. In this section:~~

1       ~~1. "Candidate" means an individual who receives or gives consent for~~  
2 ~~receipt of a contribution for his nomination for or election to any office in~~  
3 ~~this state other than a federal office. Candidate includes a personal campaign~~  
4 ~~committee designated or authorized by the individual to receive contributions~~  
5 ~~or make expenditures on his behalf.~~

6       ~~2. "Contribution" means money or the fair market value of anything~~  
7 ~~directly or indirectly given or loaned for the purpose of influencing an election~~  
8 ~~of a candidate in this state except:~~

9       ~~(a) Uncompensated personal services performed by volunteer campaign~~  
10 ~~workers.~~

11       ~~(b) Personal travel expenses incurred by an individual without direct or~~  
12 ~~indirect reimbursement.~~

13       ~~(c) Food and beverages donated by an individual and not exceeding one~~  
14 ~~hundred dollars in value during a calendar year.~~

15 ~~Contribution includes any expenditure made by an individual or campaign committee~~  
16 ~~with the cooperation or consultation of a candidate, or in concert with or at~~  
17 ~~the request of suggestion of a candidate.~~

18       ~~3. "Political party" means a nationally recognized organization which~~  
19 ~~nominates a candidate whose name appears on a ballot as a candidate of the~~  
20 ~~organization.~~

21       ~~4. "Statewide office" means the office of governor, secretary of state,~~  
22 ~~state treasurer, attorney general, superintendent of public instruction,~~  
23 ~~corporation commission or mine inspector.~~

24       ~~P. L. If a provision of this section or its application to any person or~~  
25 ~~circumstance is held invalid, the invalidity does not affect other provisions~~  
26 ~~or applications of the section which can be given effect without the invalid~~  
27 ~~provision or application, and to this end the provisions of this section are~~  
28 ~~severable.~~

29       Sec. 11. Title 16, chapter 6, article 1, Arizona Revised Statutes, is  
30 amended by adding: Section 16-905.01, to read:

31       16-905.01.   Designation of contributions

32       A. EACH CONTRIBUTION OF MONEY OR A THING OF VALUE DIRECTLY OR INDIRECTLY  
33 GIVEN OR LOANED TO A CANDIDATE OR A CANDIDATE'S CAMPAIGN COMMITTEE FOR THE  
34 PURPOSE OF INFLUENCING AN ELECTION OF A CANDIDATE IN THIS STATE MUST BE  
35 DESIGNATED FOR A PARTICULAR ELECTION AS FOLLOWS:

36       1. IF THE CONTRIBUTION WAS DESIGNATED IN WRITING BY THE CONTRIBUTOR FOR  
37 A PARTICULAR ELECTION, THE CONTRIBUTION APPLIES TO THE ELECTION SO DESIGNATED.

38       2. IF THE CONTRIBUTION WAS NOT DESIGNATED IN WRITING BY THE CONTRIBUTOR  
39 FOR A PARTICULAR ELECTION, THE CONTRIBUTION APPLIES TO THE NEXT ELECTION IN



1 CONNECTION WITH ANY OFFICE IN THIS STATE, OTHER THAN A FEDERAL OFFICE, THAT THE  
2 CANDIDATE SEEKS.

3 B. A CONTRIBUTION DESIGNATED IN WRITING FOR A PARTICULAR ELECTION, BUT  
4 MADE AFTER THAT ELECTION, MAY BE MADE ONLY TO THE EXTENT THAT THE CONTRIBUTION  
5 DOES NOT EXCEED THE NET DEBTS OUTSTANDING FROM THAT ELECTION AND THE FOLLOWING  
6 PROVISIONS APPLY:

7 1. ANY SUCH CONTRIBUTION PERMITTED BY THIS SUBSECTION TO BE DESIGNATED  
8 IN WRITING FOR AN ELECTION HELD BEFORE DECEMBER 16, 1986, MAY NOT EXCEED THE  
9 SECTION 16-905 CONTRIBUTION LIMITATIONS APPLICABLE ON THE DATE THE CONTRIBUTION  
10 IS MADE WITHOUT REGARD TO THE AMOUNT OF ANY CONTRIBUTIONS MADE BY THE CONTRIBUTOR  
11 BEFORE DECEMBER 16, 1986, TO THE SAME CANDIDATE FOR THAT PAST ELECTION.

12 2. A CONTRIBUTION MADE BY A CONTRIBUTOR FOR A PARTICULAR ELECTION, BUT  
13 MADE AFTER THAT ELECTION, IS GOVERNED BY THE CONTRIBUTION LIMITS IN EFFECT ON  
14 THE DATE THE CONTRIBUTION IS MADE AND IS ADDED TO ANY OTHER CONTRIBUTIONS  
15 PREVIOUSLY MADE BY THAT CONTRIBUTOR FOR THAT PARTICULAR ELECTION FOR PURPOSES  
16 OF DETERMINING COMPLIANCE WITH THOSE LIMITS.

17 C. THIS SECTION DOES NOT PREVENT EITHER:

18 1. THE USE OF CONTRIBUTIONS DESIGNATED FOR A PARTICULAR ELECTION TO PAY  
19 DEBTS AND OBLIGATIONS FROM A PREVIOUS ELECTION.

20 2. THE DISPOSITION OF SURPLUS CONTRIBUTIONS FROM AN ELECTION IN ANY MANNER  
21 CONSISTENT WITH SECTION 16-915.01.

22 D. THE TREASURER OF A CANDIDATE'S CAMPAIGN COMMITTEE MAY SEEK THE  
23 REDESIGNATION IN WRITING OF A CONTRIBUTION IF ANY OF THE FOLLOWING ARE TRUE:

24 1. TO THE EXTENT THAT ANY PART OF THE CONTRIBUTION DESIGNATED FOR A  
25 PARTICULAR ELECTION EXCEEDS THE CONTRIBUTION LIMITS OF SECTION 16-905, SUBSECTION  
26 A, B OR C FOR THAT ELECTION IN LIEU OF RETURNING THE EXCESSIVE CONTRIBUTION.

27 2. IF THE CONTRIBUTION WAS DESIGNATED IN WRITING FOR A PAST ELECTION AND  
28 THERE ARE NO NET DEBTS OUTSTANDING FROM THAT ELECTION, OR TO THE EXTENT THE  
29 CONTRIBUTION EXCEEDS THE NET DEBTS OUTSTANDING FROM THAT ELECTION, IN LIEU OF  
30 RETURNING THE EXCESSIVE CONTRIBUTION.

31 3. THE CONTRIBUTION WAS NOT DESIGNATED IN WRITING FOR A PARTICULAR  
32 ELECTION, WAS THEN APPLIED TO THE CANDIDATE'S NEXT ELECTION, PURSUANT TO  
33 SUBSECTION A, PARAGRAPH 2 OF THIS SECTION, AND THE CONTRIBUTION THEN EXCEEDED  
34 THE CONTRIBUTION LIMITS OF SECTION 16-905, SUBSECTION A, B OR C FOR THAT NEXT  
35 ELECTION IN LIEU OF RETURNING THE EXCESSIVE CONTRIBUTION.

36 4. THE CONTRIBUTION WAS NOT DESIGNATED IN WRITING FOR A PARTICULAR  
37 ELECTION AND WAS RECEIVED AFTER THE DATE OF AN ELECTION FOR WHICH THERE ARE NET  
38 DEBTS OUTSTANDING WHEN THE CONTRIBUTION WAS RECEIVED.

39 E. A CONTRIBUTION MAY BE REDESIGNATED ONLY FOR A PAST ELECTION WITH NET  
40 DEBTS OUTSTANDING OR FOR THE CANDIDATE'S NEXT ELECTION FOR AN OFFICE.

1 F. AS USED IN THIS ARTICLE:

2 1. "CASH ON HAND" MEANS THE TOTAL CASH AVAILABLE TO PAY DEBTS AND  
3 OBLIGATIONS INCLUDING CURRENCY, BALANCES ON DEPOSIT IN BANKS, SAVINGS AND LOANS  
4 AND OTHER DEPOSITORIES, TRAVELER'S CHECKS, CERTIFICATES OF DEPOSIT, TREASURY  
5 BILLS, ANY OTHER COMMITTEE INVESTMENTS AT FAIR MARKET VALUE AND THE TOTAL AMOUNTS  
6 OWED TO THE CANDIDATE'S CAMPAIGN COMMITTEE IN THE FORM OF CREDITS, REFUNDS OF  
7 DEPOSITS, RETURNS OR RECEIVABLES.

8 2. "DESIGNATED IN WRITING" MEANS THAT A CONTRIBUTION BY CHECK, MONEY ORDER  
9 OR NEGOTIABLE INSTRUMENT CLEARLY INDICATES THE PARTICULAR ELECTION FOR WHICH THE  
10 CONTRIBUTION IS MADE OR THE CONTRIBUTION IS ACCOMPANIED BY A WRITING, SIGNED BY  
11 A CONTRIBUTOR, CLEARLY INDICATING THE PARTICULAR ELECTION FOR WHICH THE  
12 CONTRIBUTION IS MADE.

13 3. "NET DEBTS OUTSTANDING" MEANS THE TOTAL AMOUNT OF UNPAID DEBTS AND  
14 OBLIGATIONS INCURRED WITH RESPECT TO AN ELECTION MINUS CASH ON HAND.

15 4. "REDESIGNATION" OCCURS BY THE TREASURER OF A CANDIDATE'S CAMPAIGN  
16 COMMITTEE MAKING A WRITTEN REQUEST TO A CONTRIBUTOR THAT THE CONTRIBUTOR PROVIDE  
17 A WRITTEN DIRECTION TO DESIGNATE THE CONTRIBUTION FOR A PARTICULAR ELECTION OTHER  
18 THAN THE ELECTION SPECIFIED IN THE ORIGINAL DESIGNATION FOR THAT CONTRIBUTION,  
19 OR IN PLACE OF A LACK OF DESIGNATION, WHICH IS FOLLOWED BY ANOTHER DESIGNATION  
20 IN WRITING SIGNED BY THE CONTRIBUTOR.

21 5. "UNPAID DEBTS AND OBLIGATIONS" MEANS THE TOTAL AMOUNT OF UNPAID DEBTS  
22 AND OBLIGATIONS INCURRED WITH RESPECT TO A PARTICULAR ELECTION INCLUDING THE  
23 ESTIMATED COST OF RAISING FUNDS TO LIQUIDATE THE DEBTS OR TO TERMINATE THE  
24 CAMPAIGN COMMITTEE.

25 Sec. 12. Renumber

26 Section 16-906, Arizona Revised Statutes, is renumbered as Section 16-912.

27 Sec. 13, Title 16, chapter 6, article 1, Arizona Revised Statutes, is  
28 amended by adding section 16-906, to read:

29 16-906. Loans; Repayments; Guarantors

30 A. A LOAN TO A POLITICAL COMMITTEE OR TO A CANDIDATE THAT EXCEEDS THE  
31 LENDER'S SECTION 16-905 CONTRIBUTION LIMITATIONS REMAINS UNLAWFUL WHETHER OR NOT  
32 IT IS REPAYED.

33 B. A LOAN TO A POLITICAL COMMITTEE OR TO A CANDIDATE MADE WITHIN THE  
34 SECTION 16-905 CONTRIBUTION LIMITATIONS REMAINS A CONTRIBUTION TO THE EXTENT IT  
35 REMAINS UNPAID. A LOAN IS NO LONGER A CONTRIBUTION TO THE EXTENT IT IS REPAYED.

36 C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE MAKING OF A  
37 LOAN RESULTS IN A CONTRIBUTION BY EACH ENDORSER OR GUARANTOR. THE ENDORSER'S  
38 OR GUARANTOR'S CONTRIBUTION IS THAT PORTION OF THE TOTAL AMOUNT OF THE LOAN FOR  
39 WHICH HE OR SHE AGREED IN WRITING TO BE LIABLE OR, IF NOT STATED IN WRITING, THE  
40 CONTRIBUTION IS IN THE SAME PROPORTION TO THE UNPAID BALANCE THAT EACH ENDORSER  
41 OR GUARANTOR BEARS TO THE TOTAL NUMBER OF ENDORSERS OR GUARANTORS. ANY REDUCTION

1 IN THE UNPAID BALANCE OF THE LOAN REDUCES PROPORTIONATELY THE AMOUNT OF THE  
2 CONTRIBUTION OF EACH ENDORSER OR GUARANTOR.

3 D. A LOAN OBTAINED BY A CANDIDATE ON WHICH HIS OR HER SPOUSE'S SIGNATURE  
4 IS REQUIRED WHEN JOINTLY OWNED ASSETS ARE USED AS COLLATERAL OR SECURITY IS NOT  
5 CONSIDERED A CONTRIBUTION.

6 Sec. 14. Repeal

7 Section 16-907, Arizona Revised Statutes, is repealed.

8 Sec. 15. Title 16, chapter 6, article 1, Arizona Revised Statutes, is  
9 amended by adding Section 16-907, to read:

10 16-907. Prohibited contributions; partnership contributions

11 A. ANY PERSON WHO MAKES A CONTRIBUTION IN THE NAME OF ANOTHER PERSON OR  
12 KNOWINGLY PERMITS HIS NAME TO BE USED TO EFFECT SUCH A CONTRIBUTION, AND ANY  
13 PERSON WHO KNOWINGLY ACCEPTS A CONTRIBUTION MADE BY ONE PERSON IN THE NAME OF  
14 ANOTHER PERSON IS GUILTY OF A CLASS SIX FELONY.

15 B. AN INDIVIDUAL OR POLITICAL COMMITTEE SHALL NOT GIVE AND A POLITICAL  
16 PARTY OR OTHER POLITICAL COMMITTEE SHALL NOT ACCEPT AN EARMARKED CONTRIBUTION.

17 C. CONTRIBUTIONS FROM PARTNERSHIP FUNDS SHALL BE MADE BY THE PARTNERS AS  
18 INDIVIDUAL CONTRIBUTIONS. A CONTRIBUTION SHALL BE ATTRIBUTED TO EACH PARTNER  
19 IN DIRECT PROPORTION TO HIS SHARE OF THE PARTNERSHIP PROFITS OR ATTRIBUTED TO  
20 ONLY THOSE PARTNERS WHOSE SHARES OF THE PROFITS ARE REDUCED OR LOSSES INCREASED  
21 IN PROPORTION TO THE CONTRIBUTION ATTRIBUTED TO EACH OF THEM.

22 Sec. 16. Repeal

23 Section 16-908, Arizona Revised Statutes, is repealed.

24 Sec. 17. Repeal

25 Section 16-909, Arizona Revised Statutes, is repealed.

26 Sec. 18. Section 16-912, is amended to read:

27 16-912. Campaign literature and advertisement sponsors; identification

28 A. WHENEVER AN EXPENDITURE BY AN INDIVIDUAL OR A POLITICAL COMMITTEE, AS  
29 DEFINED IN SECTION 16-901, MAKING AN EXPENDITURE FOR All campaign literature or  
30 advertisements ~~that are distributed for the purpose of influencing the result~~  
31 ~~of any~~ EXPRESSLY ADVOCATING THE election OR DEFEAT ~~involving~~ OF any candidate  
32 or any solicitation of contributions to any ~~campaign~~ POLITICAL committee IS MADE,  
33 THE INDIVIDUAL OR POLITICAL COMMITTEE shall include ON THE LITERATURE OR  
34 ADVERTISEMENT the following disclosure:

35 1. If authorized or paid for by a candidate, a candidate's campaign  
36 committee or an agent of either, the literature or advertisement shall clearly  
37 state that it was paid for by the candidate or the candidate's campaign  
38 committee.

1 2. IF PAID FOR BY ANY OTHER PERSON OR POLITICAL COMMITTEE, BUT AUTHORIZED  
2 BY A CANDIDATE, A CANDIDATE'S CAMPAIGN COMMITTEE OR ANY AGENT OF EITHER, THE  
3 LITERATURE OR ADVERTISEMENT SHALL CLEARLY STATE THAT IT WAS PAID FOR BY SUCH  
4 OTHER PERSON OR POLITICAL COMMITTEE AND THAT IT IS AUTHORIZED BY THE CANDIDATE  
5 OR CANDIDATE'S CAMPAIGN COMMITTEE.

6 2- 3. If not authorized or paid for by a candidate, a candidate's  
7 campaign committee or any agent of either, the literature or advertisement shall  
8 clearly state:

9 (a) The name of the INDIVIDUAL OR POLITICAL ~~campaign~~ committee that paid  
10 for the literature or advertisement, AND, IN THE CASE OF A POLITICAL COMMITTEE,  
11 the name of the chairman or treasurer of the ~~campaign~~ POLITICAL committee and  
12 an address and telephone number where that individual can be contacted AND

13 (b) THAT the literature or advertisement is not authorized by any  
14 candidate or candidate's campaign committee.

15 B. The provisions of subsection A of this section do not apply to bumper  
16 stickers, pins, buttons, pens and similar small items on which the statements  
17 required in subsection A of this section cannot be conveniently printed or to  
18 signs paid for by a candidate with campaign funds or by a candidate's campaign  
19 committee OR WHEN A SEPARATE SEGREGATED FUND SOLICITS CONTRIBUTIONS TO THE FUND  
20 FROM THOSE PERSONS IT MAY SOLICIT PURSUANT TO SECTIONS 16-920 AND 16-921.

21 C. THE DISCLOSURE REQUIRED PURSUANT TO THIS SECTION SHALL BE PRINTED  
22 CLEARLY AND LEGIBLY IN A CONSPICUOUS MANNER OR, IF THE COMMUNICATION IS BROADCAST  
23 ON A TELECOMMUNICATIONS SYSTEM, THE INFORMATION SHALL BE SPOKEN.

24 D. IF AN INDIVIDUAL OR POLITICAL COMMITTEE MADE AN INDEPENDENT EXPENDITURE  
25 FOR CAMPAIGN LITERATURE OR AN ADVERTISEMENT FOR PURPOSES OF INFLUENCING AN  
26 ELECTION, INCLUDING AN ADVERTISEMENT IN ELECTRONIC OR PRINT MEDIA, AND IF THE  
27 CAMPAIGN LITERATURE OR ADVERTISEMENT IS DISTRIBUTED IN THE LAST TWENTY DAYS  
28 IMMEDIATELY PRECEDING THE ELECTION, THE INDIVIDUAL OR POLITICAL COMMITTEE THAT  
29 MADE THE INDEPENDENT EXPENDITURE SHALL FILE A COPY OF THE CAMPAIGN LITERATURE  
30 OR ADVERTISEMENT WITH THE SECRETARY OF STATE WITHIN TWENTY-FOUR HOURS OF THE  
31 DISTRIBUTION. FILING BY ELECTRONIC FACSIMILE OR BY TELEGRAM IS PERMISSIBLE.

32 Sec. 19. Repeal

33 Section 16-913, Arizona Revised Statutes, is repealed.

34 Sec. 20. Title 16, chapter 6, article 1, Arizona Revised Statutes, is  
35 amended by adding Section 16-913, to read:

36 16-913. Campaign finance reports; reporting of receipts  
37 and disbursements

38 A. EACH POLITICAL COMMITTEE SHALL FILE CAMPAIGN FINANCE REPORTS SETTING  
39 FORTH THE COMMITTEE'S RECEIPTS AND DISBURSEMENTS ACCORDING TO THE SCHEDULE  
40 PRESCRIBED IN SUBSECTIONS B AND C OF THIS SECTION.

1       B. IN ANY CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED  
2 ELECTION AT WHICH ANY CANDIDATES, MEASURES, QUESTIONS OR PROPOSITIONS APPEAR OR  
3 MAY APPEAR ON THE BALLOT, THE POLITICAL COMMITTEE SHALL FILE EACH OF THE  
4 FOLLOWING CAMPAIGN FINANCE REPORTS REGARDLESS OF WHETHER ANY RECEIPTS OR  
5 DISBURSEMENTS OCCURRED DURING THE PERIOD COVERED BY THE REPORT:

6       1. A PRE-ELECTION REPORT, WHICH SHALL BE FILED NOT LESS THAN TWELVE DAYS  
7 BEFORE (OR POSTED BY REGISTERED OR CERTIFIED MAIL NOT LESS THAN FIFTEEN DAYS  
8 BEFORE) ANY ELECTION AND WHICH SHALL BE COMPLETE AS OF TWENTY DAYS BEFORE THE  
9 ELECTION.

10       2. A POST-ELECTION REPORT, WHICH SHALL BE FILED NOT LESS THAN THIRTY DAYS  
11 AFTER ANY ELECTION OTHER THAN A PRIMARY ELECTION, AND WHICH SHALL BE COMPLETE  
12 AS OF TWENTY DAYS AFTER THE ELECTION.

13       3. ADDITIONAL QUARTERLY REPORTS, WHICH SHALL BE FILED NOT LESS THAN  
14 FIFTEEN DAYS AFTER THE LAST DAY OF EACH CALENDAR QUARTER, AND WHICH SHALL BE  
15 COMPLETE AS OF THE LAST DAY OF EACH CALENDAR QUARTER, EXCEPT THAT THE REPORT FOR  
16 THE QUARTER ENDING DECEMBER 31 SHALL BE FILED NO LATER THAN JANUARY 31 OF THE  
17 FOLLOWING CALENDAR YEAR.

18       C. IN ANY OTHER CALENDAR YEAR, THE POLITICAL COMMITTEE SHALL FILE EACH  
19 OF THE FOLLOWING REPORTS REGARDLESS OF WHETHER ANY RECEIPTS OR DISBURSEMENTS  
20 OCCURRED DURING THE PERIOD COVERED BY THE REPORT:

21       1. A REPORT COVERING THE PERIOD BEGINNING JANUARY 1 AND ENDING JUNE 30,  
22 FILED NO LATER THAN JULY 31.

23       2. A REPORT COVERING THE PERIOD BEGINNING JULY 1 AND ENDING DECEMBER 31,  
24 FILED NO LATER THAN JANUARY 31 OF THE FOLLOWING CALENDAR YEAR.

25       D. THE REQUIREMENT FOR A POLITICAL COMMITTEE TO FILE A QUARTERLY REPORT  
26 SHALL BE WAIVED IF THE COMMITTEE IS REQUIRED TO FILE A PRE-ELECTION OR POST-  
27 ELECTION REPORT DURING THE PERIOD BEGINNING ON THE FIFTH DAY AFTER THE CLOSE OF  
28 THE CALENDAR QUARTER AND ENDING ON THE FIFTEENTH DAY AFTER THE CLOSE OF THE  
29 CALENDAR QUARTER.

30       E. A JUDGE WHO HAS FILED A DECLARATION OF HIS DESIRE TO BE RETAINED IN  
31 OFFICE IS EXEMPT FROM FILING ANY REPORT REQUIRED BY THIS SECTION IF THE JUDGE,  
32 NOT LATER THAN TWELVE DAYS BEFORE THE GENERAL ELECTION, FILES A STATEMENT SIGNED  
33 AND SWORN TO BY HIM CERTIFYING THAT HE HAS RECEIVED NO CONTRIBUTIONS, HAS MADE  
34 NO EXPENDITURES AND HAS NO CAMPAIGN COMMITTEE AND THAT HE DOES NOT INTEND TO  
35 RECEIVE CONTRIBUTIONS, MAKE EXPENDITURES OR HAVE A CAMPAIGN COMMITTEE FOR THE  
36 PURPOSE OF INFLUENCING THE RESULT OF THE VOTE ON THE QUESTION OF HIS RETENTION.  
37 WITH RESPECT TO SUPERIOR COURT JUDGES, A STATEMENT FILED PURSUANT TO THIS  
38 SUBSECTION IS EFFECTIVE UNTIL THE EARLIER OF TWELVE DAYS BEFORE THE THIRD GENERAL  
39 ELECTION FOLLOWING THE FILING OF THIS STATEMENT OR THE JUDGE RECEIVES  
40 CONTRIBUTIONS, MAKES EXPENDITURES OR AUTHORIZES A CAMPAIGN COMMITTEE. SUCH A  
41 STATEMENT FILED BY A SUPREME COURT JUSTICE OR A COURT OF APPEALS JUDGE IS  
42 EFFECTIVE UNTIL THE EARLIER OF TWELVE DAYS BEFORE THE FOURTH GENERAL ELECTION  
43 FOLLOWING THE FILING OF THIS STATEMENT OR THE JUSTICE RECEIVES CONTRIBUTIONS,  
44 MAKES EXPENDITURES OR AUTHORIZES A CAMPAIGN COMMITTEE.

1 F. REPORTS IN CONNECTION WITH SPECIAL, RECALL OR RUNOFF ELECTIONS SHALL  
2 CONFORM TO THE FILING DEADLINES SET FORTH IN PARAGRAPHS B AND D OF THIS SECTION.

3 G. A POLITICAL COMMITTEE SHALL COMPLY WITH THE REQUIREMENTS OF THIS  
4 SECTION IN EACH JURISDICTION IN THIS STATE IN WHICH THE COMMITTEE HAS FILED A  
5 STATEMENT OF ORGANIZATION UNTIL THE COMMITTEE TERMINATES PURSUANT TO SECTION 16-  
6 914, AND ITS STATEMENTS, DESIGNATIONS AND REPORTS SHALL BE FILED WITH EACH  
7 OFFICER WITH WHOM IT HAS FILED A STATEMENT OF ORGANIZATION AS APPROPRIATE.

8 H. EACH REPORT REQUIRED TO BE FILED PURSUANT TO THIS SECTION, SHALL BE  
9 SIGNED BY THE COMMITTEE TREASURER, OR THE CANDIDATE IF THE TREASURER IS  
10 UNAVAILABLE, AND SHALL CONTAIN THE CERTIFICATION OF THE SIGNOR, UNDER PENALTY  
11 OF PERJURY, THAT THE REPORT IS TRUE AND COMPLETE.

12 Sec. 21. Repeal

13 Section 16-914, Arizona Revised Statutes, is repealed.

14 Section 22, title 16, chapter 6, article 1, Arizona Revised Statutes, is  
15 amended by adding Section 16-914, to read:

16 16-914. Termination statement

17 A. A POLITICAL COMMITTEE MAY TERMINATE ONLY WHEN THE COMMITTEE CHAIRMAN  
18 AND TREASURER FILE A WRITTEN STATEMENT WITH THE OFFICER WITH WHOM THE COMMITTEE'S  
19 STATEMENT OF ORGANIZATION IS FILED CERTIFYING, UNDER PENALTY OF PERJURY, THAT  
20 IT WILL NO LONGER RECEIVE ANY CONTRIBUTIONS OR MAKE ANY DISBURSEMENTS, THAT THE  
21 COMMITTEE HAS NO OUTSTANDING DEBTS OR OBLIGATIONS AND THAT ANY SURPLUS FUNDS HAVE  
22 BEEN DISPOSED OF PURSUANT TO SECTION 16-915.01 TOGETHER WITH A STATEMENT OF THE  
23 MANNER OF DISPOSITION OF THE SURPLUS, THE NAME AND ADDRESS OF EACH RECIPIENT OF  
24 SURPLUS FUNDS AND THE DATE AND AMOUNT OF EACH DISPOSITION OF SURPLUS FUNDS.

25 B. FOLLOWING THE FILING OF AN APPROPRIATE TERMINATION STATEMENT, A  
26 POLITICAL COMMITTEE IS NOT REQUIRED TO FILE ANY SUBSEQUENT CAMPAIGN FINANCE  
27 REPORTS AND SHALL HAVE NO FURTHER RECEIPTS OR DISBURSEMENTS WITHOUT FILING A NEW  
28 STATEMENT OF ORGANIZATION.

29 Sec. 23. Repeal

30 Section 16-915, Arizona Revised Statutes, is repealed.

31 Sec. 24, title 16, chapter 6, article 1, Arizona Revised Statutes, is  
32 amended by adding Section 16-915, to read:

33 16-915. Contents of campaign finance reports

34 A. EACH CAMPAIGN FINANCE REPORT REQUIRED BY SECTION 16-913 SHALL SET  
35 FORTH ALL OF THE FOLLOWING:

36 1. THE AMOUNT OF CASH ON HAND AT THE BEGINNING OF THE REPORTING PERIOD.

37 2. FOR THE REPORTING PERIOD AND THE ELECTION, THE TOTAL AMOUNT OF ALL  
38 RECEIPTS AND AN ITEMIZED LIST OF ALL RECEIPTS IN THE FOLLOWING CATEGORIES,  
39 TOGETHER WITH THE TOTAL OF ALL RECEIPTS IN EACH CATEGORY:

1 (a) CONTRIBUTIONS FROM INDIVIDUALS.

2 (b) CONTRIBUTIONS FROM POLITICAL COMMITTEES.

3 (c) FOR A CANDIDATE'S CAMPAIGN COMMITTEE, CONTRIBUTIONS, INCLUDING LOANS  
4 GUARANTEED BY THE CANDIDATE.

5 (d) ALL OTHER LOANS.

6 (e) REBATES, REFUNDS AND OTHER OFFSETS TO OPERATING EXPENDITURES.

7 (f) DIVIDENDS, INTEREST AND OTHER FORMS OF RECEIPTS.

8 (g) THE VALUE OF IN-KIND CONTRIBUTIONS.

9 3. THE IDENTIFICATION OF EACH:

10 (a) INDIVIDUAL MAKING ANY CONTRIBUTION DURING THE PERIOD COVERED BY THE  
11 REPORT WHOSE TOTAL CONTRIBUTION OR CONTRIBUTIONS FOR THAT ELECTION HAVE AN  
12 AGGREGATE AMOUNT EXCEEDING TWENTY-FIVE DOLLARS TOGETHER WITH THE DATE AND AMOUNT  
13 OF THE CONTRIBUTIONS, EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION.  
14 CONTRIBUTIONS OF TWENTY-FIVE DOLLARS OR LESS MAY BE AGGREGATED.

15 (b) POLITICAL COMMITTEE MAKING A CONTRIBUTION DURING THE PERIOD COVERED  
16 BY THE REPORT TOGETHER WITH THE DATE AND AMOUNT OF THE CONTRIBUTION.

17 (c) PERSON WHO MAKES A LOAN DURING THE PERIOD COVERED BY THE REPORT,  
18 TOGETHER WITH THE IDENTIFICATION OF ANY ENDORSER OR GUARANTOR OF THE LOAN AND  
19 THE AMOUNT ENDORSED OR GUARANTEED BY EACH, AND THE DATE AND AMOUNT OF THE LOAN.

20 (d) PERSON WHO, DURING THE PERIOD COVERED BY THE REPORT, PROVIDES A  
21 REBATE, REFUND OR OTHER OFFSET TO OPERATING EXPENDITURES TOGETHER WITH THE DATE  
22 AND AMOUNT OF THE RECEIPT.

23 (e) PERSON WHO PROVIDES A DIVIDEND, INTEREST OR OTHER RECEIPT DURING THE  
24 PERIOD COVERED BY THE REPORT TOGETHER WITH THE DATE AND AMOUNT OF THE RECEIPT.

25 4. FOR THE REPORTING PERIOD AND THE ELECTION, THE TOTAL AMOUNT OF ALL  
26 DISBURSEMENTS AND AN ITEMIZED LIST OF ALL DISBURSEMENTS IN THE FOLLOWING  
27 CATEGORIES TOGETHER WITH THE TOTAL OF ALL DISBURSEMENTS IN EACH CATEGORY:

28 (a) EXPENDITURES, OTHER THAN A CONTRACT, PROMISE OR AGREEMENT TO MAKE AN  
29 EXPENDITURE RESULTING IN AN EXTENSION OF CREDIT, MADE TO MEET COMMITTEE OPERATING  
30 EXPENSES.

31 (b) TRANSFERS TO OTHER POLITICAL COMMITTEES.

32 (c) FOR A CANDIDATE'S CAMPAIGN COMMITTEE, THE REPAYMENT OF LOANS MADE OR  
33 GUARANTEED BY THE CANDIDATE.

34 (d) REPAYMENT OF ALL OTHER LOANS.

1 (e) REFUNDS OF CONTRIBUTIONS RECEIVED AND OTHER OFFSETS TO CONTRIBUTIONS.

2 (f) LOANS MADE BY THE REPORTING POLITICAL COMMITTEE.

3 (g) THE VALUE OF IN-KIND CONTRIBUTIONS RECEIVED.

4 (h) INDEPENDENT EXPENDITURES TOGETHER WITH THE INFORMATION AND  
5 CERTIFICATIONS REQUIRED PURSUANT TO SECTION 16-917, SUBSECTION B, PARAGRAPHS 1  
6 THROUGH 5.

7 (i) ANY OTHER DISBURSEMENTS.

8 5. THE NAME AND ADDRESS OF EACH RECIPIENT OF AN EXPENDITURE MADE DURING  
9 THE PERIOD COVERED BY THE REPORT AND, IN THE CASE OF A DISBURSEMENT TO A  
10 POLITICAL COMMITTEE, THE IDENTIFICATION NUMBER ISSUED UPON THE FILING OF A  
11 SECTION 16-902.01 STATEMENT OF ORGANIZATION, TOGETHER WITH THE DATE, AMOUNT AND  
12 PURPOSE OF THE EXPENDITURE.

13 6. AN ITEMIZED ACCOUNT OF THE DEBTS AND OBLIGATIONS OWED BY THE CANDIDATE  
14 OR POLITICAL COMMITTEE THAT REMAIN OUTSTANDING TOGETHER WITH A DESCRIPTION OF  
15 THE CIRCUMSTANCES, TERMS AND CONDITIONS UNDER WHICH EACH OBLIGATION WAS INCURRED  
16 AND UNDER WHICH ANY PART OF IT WAS EXTINGUISHED. AN OBLIGATION THAT IS ITEMIZED  
17 ON A CAMPAIGN FINANCE REPORT SHALL BE LISTED ON ALL SUBSEQUENT FINANCE REPORTS  
18 UNTIL EXTINGUISHED.

19 7. THE TOTAL SUM OF ALL RECEIPTS, TOGETHER WITH THE TOTAL RECEIPTS LESS  
20 OFFSETS, AND THE TOTAL SUM OF ALL DISBURSEMENTS, TOGETHER WITH THE TOTAL  
21 DISBURSEMENTS LESS OFFSETS, FOR BOTH THE PERIOD COVERED BY THE REPORT AND THE  
22 ELECTION.

23 8. THE AMOUNT OF AN IN-KIND CONTRIBUTION SHALL BE EQUAL TO THE USUAL AND  
24 NORMAL VALUE ON THE DATE RECEIVED BY THE POLITICAL COMMITTEE AS DETERMINED BY  
25 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

26 C. CAMPAIGN FINANCE REPORTS SHALL BE CUMULATIVE FOR THE ELECTION TO WHICH  
27 THEY RELATE, BUT WHERE THERE HAS BEEN NO CHANGE DURING THE PERIOD COVERED BY A  
28 REPORT IN AN ITEM LISTED IN A PREVIOUS REPORT FOR THAT ELECTION, ONLY THE AMOUNT  
29 NEED BE CARRIED FORWARD.

30 D. A CANDIDATE'S CAMPAIGN COMMITTEE, OR A POLITICAL COMMITTEE THAT MAKES  
31 CONTRIBUTIONS TO CANDIDATES, THAT HAS RECEIVED PRIOR CONTRIBUTIONS FROM AN  
32 INDIVIDUAL OR A POLITICAL COMMITTEE FOR AN ELECTION SHALL SHOW IN EACH REPORT  
33 FOR THAT ELECTION, THE CUMULATIVE TOTAL RECEIVED FROM THAT SOURCE.

34 E. IN THE CASE OF A POLITICAL COMMITTEE WHICH RECEIVES CONTRIBUTIONS  
35 THROUGH A PAYROLL DEDUCTION PLAN, SUCH COMMITTEE IS NOT REQUIRED TO SEPARATELY  
36 ITEMIZE EACH ADDITIONAL CONTRIBUTION RECEIVED FROM THE CONTRIBUTOR DURING THE  
37 REPORTING PERIOD. IN LIEU OF THE SEPARATE ITEMIZATION REQUIRED BY SUBSECTION  
38 A, PARAGRAPH 2 OF THIS SECTION, THE COMMITTEE MAY REPORT ALL OF THE FOLLOWING:

39 1. THE AGGREGATE AMOUNT OF CONTRIBUTIONS RECEIVED FROM THE CONTRIBUTOR  
40 THROUGH THE PAYROLL DEDUCTION PLAN DURING THE REPORTING PERIOD.



1           2. THE IDENTIFICATION OF THE INDIVIDUAL.

2           3. A STATEMENT OF THE AMOUNT DEDUCTED PER PAY PERIOD.

3           Sec. 25. Section 16-915.01, Arizona Revised Statutes, is amended to read:

4           16-915.01. Disposition of surplus funds

5           ~~A. A candidate or campaign committee which receives or makes any campaign~~  
6 ~~contributions or expenditures subsequent to the closing date for the post~~  
7 ~~election statements provided for under sections 16-907, 16-909, 16-913 and 16-~~  
8 ~~914, which would otherwise be reported pursuant to such sections, shall file a~~  
9 ~~statement of contributions and expenditures on or before April 1 of each year~~  
10 ~~until a disposition of all contributions and expenditures is made pursuant to~~  
11 ~~subsection 8 of this section or no contributions or expenditures are made or~~  
12 ~~received which have not been previously reported. The closing reporting date~~  
13 ~~of the statement of collections and expenditures due on or before April 1 is~~  
14 ~~December 31 of the year preceding the April 1 deadline.~~

15           ~~B. A. A candidate or campaign~~ POLITICAL committee may SHALL dispose of  
16 surplus funds as follows:

17           1. Retain surplus funds for use in a subsequent political campaign  
18 ELECTION, WHICH INCLUDES A TRANSFER BY A CANDIDATE'S CAMPAIGN COMMITTEE TO THAT  
19 CANDIDATE'S CAMPAIGN COMMITTEE DESIGNATED FOR A SUBSEQUENT ELECTION.

20           2. Return surplus funds to the contributor to the extent records are  
21 available permitting such return and ~~donate any remaining funds to the county~~  
22 ~~or state committee of the political party of which the candidate is a member.~~

23           3. ~~Donate the CONTRIBUTE surplus funds to a charitable organization or~~  
24 ~~to the county, or state OR LOCAL committee of the A political party. of which~~  
25 ~~the candidate is a member.~~

26           4. DONATE THE SURPLUS FUNDS TO A CHARITABLE ORGANIZATION.

27           5. IN THE CASE OF A POLITICAL COMMITTEE OTHER THAN A CANDIDATE'S CAMPAIGN  
28 COMMITTEE, CONTRIBUTE SURPLUS FUNDS TO A CANDIDATE'S CAMPAIGN COMMITTEE,  
29 PROVIDING THE CONTRIBUTION IS WITHIN THE LIMITATIONS OF SECTION 16-905.

30           ~~4. 6. In the case of a campaign committee, donate such surplus funds to~~  
31 ~~a charitable organization or to a political candidate as a contribution for use~~  
32 ~~in a political campaign or for the repayment of loans for political campaign~~  
33 ~~expenses. From and after December 31, 1992, in the case of a candidate or~~  
34 ~~candidate's committee, Donate such surplus funds to a POLITICAL campaign~~  
35 ~~committee other than a candidate's CAMPAIGN committee.~~

36           ~~5-7. Dispose of surplus funds in any other lawful manner. From and after~~  
37 ~~December 31, 1992, surplus funds shall not be used for or converted to the~~  
38 ~~personal use of a candidate or any person related to the candidate by blood or~~  
39 ~~marriage. Nothing in this paragraph precludes the repayment of a loan made by~~  
40 ~~a candidate to his campaign.~~

1 B. FROM AND AFTER DECEMBER 31, 1992, SURPLUS FUNDS SHALL NOT BE USED FOR  
2 OR CONVERTED TO THE PERSONAL USE OF A CANDIDATE OR ANY PERSON RELATED TO THE  
3 CANDIDATE BY BLOOD OR MARRIAGE. NOTHING IN THIS SUBSECTION PRECLUDES THE  
4 REPAYMENT OF A LOAN MADE BY A CANDIDATE TO HIS CAMPAIGN.

5 ~~C. A statement that a candidate or a candidate's committee has determined~~  
6 ~~to dispose of surplus funds pursuant to subsection B of this section may be~~  
7 ~~appended to the post election statement of contributions and expenditures or any~~  
8 ~~subsequent follow up statement. The statement shall include an exact account~~  
9 ~~of all expenditures and to whom paid, distributed or expended. No other~~  
10 ~~statement need thereafter be filed unless additional contributions or~~  
11 ~~expenditures are received or made.~~

12 Sec. 26. Section 16-916, Arizona Revised Statutes, is amended to read:

13 16-916. Filing Location; date of filing

14 A. All The statements, DESIGNATIONS AND REPORTS FILED PURSUANT TO ~~in~~ this  
15 article ~~required to be filed~~ shall be filed in the office of the secretary of  
16 state for POLITICAL COMMITTEES SUPPORTING OR OPPOSING candidates for state  
17 offices and members of the legislature, for justices of the supreme court, for  
18 judges of the court of appeals and for a statewide initiative or referendum or  
19 any measure or proposition appearing on a state general election ballot; with  
20 the clerk of the board of supervisors for POLITICAL COMMITTEES SUPPORTING OR  
21 OPPOSING candidates for county offices, SCHOOL DISTRICT GOVERNING BOARD MEMBERS,  
22 and community college district governing board members, ~~for~~ judges of the  
23 superior court seeking retention, SPECIAL TAXING DISTRICTS and for a county  
24 initiative or referendum or any measure or proposition appearing on a county  
25 election ballot; AND with the city or town clerk for POLITICAL COMMITTEES  
26 SUPPORTING OR OPPOSING candidates for city or town offices and for a city or town  
27 initiative or referendum or any measure or proposition appearing on a city or  
28 town election ballot. ~~and with the county school superintendent for candidates~~  
29 ~~for school district governing board members.~~

30 ~~B. The statement required to be filed under sections 16-907, 16-909, 16-~~  
31 ~~913, 16-914 and 16-915.01 shall be filed and preserved by the officer with whom~~  
32 ~~filed and twenty four hours after filing are subject to inspection and~~  
33 ~~publication.~~

34 B. FOR ALL STATEMENTS, DESIGNATIONS AND REPORTS FILED PURSUANT TO THIS  
35 ARTICLE, EXCEPT AS PROVIDED IN SECTION 16-913, SUBSECTION B, PARAGRAPH 1, SENT  
36 TO THE FILING OFFICER BY REGISTERED OR CERTIFIED MAIL, THE DATE OF THE POSTMARK  
37 SHALL BE CONSIDERED THE DATE OF FILING. FOR ALL OTHER STATEMENTS, DESIGNATIONS  
38 AND REPORTS, THE DATE OF FILING IS THE DATE OF ACTUAL RECEIPT BY THE OFFICER  
39 WITH WHOM THE DOCUMENT IS REQUIRED TO BE FILED.

40 C. IF THE DATE FOR FILING ANY STATEMENT, DESIGNATION OR REPORT REQUIRED  
41 BY THIS ARTICLE IS A SATURDAY, SUNDAY OR OTHER LEGAL HOLIDAY, THE FILING DEADLINE  
42 IS THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY OR OTHER LEGAL HOLIDAY.

1       Sec. 27. Repeal

2       Section 16-917, Arizona Revised Statutes, is repealed.

3       Sec. 28. Title 16, chapter 6, article 1, Arizona Revised Statutes, is  
4 amended by adding Section 16-917, to read:

5       16-917. Independent expenditures; twenty-four hour report

6       A. IN ADDITION TO THE INFORMATION CONCERNING INDEPENDENT EXPENDITURES  
7 REPORTED BY A POLITICAL COMMITTEE PURSUANT TO SECTIONS 16-913 AND 16-915, A  
8 POLITICAL COMMITTEE MAKING AN INDEPENDENT EXPENDITURE AGGREGATING FIVE HUNDRED  
9 DOLLARS MADE LESS THAN TWENTY DAYS BEFORE THE DAY OF ANY ELECTION TO WHICH THE  
10 EXPENDITURE RELATES, SHALL REPORT THE INDEPENDENT EXPENDITURE WITHIN TWENTY-  
11 FOUR HOURS AFTER THE INDEPENDENT EXPENDITURE IS MADE.

12       B. AN INDEPENDENT EXPENDITURE REPORT FILED PURSUANT TO SUBSECTION A OF  
13 THIS SECTION SHALL BE FILED WITH THE OFFICER PRESCRIBED IN SECTION 16-916 AND  
14 SHALL CONTAIN ALL OF THE FOLLOWING:

15       1. THE NAME AND ADDRESS OF ANY PERSON TO WHOM AN INDEPENDENT EXPENDITURE  
16 WAS MADE.

17       2. THE DATE AND AMOUNT OF THE INDEPENDENT EXPENDITURE.

18       3. THE PURPOSE OF THE INDEPENDENT EXPENDITURE INCLUDING A DESCRIPTION OF  
19 WHAT WAS PURCHASED.

20       4. THE NAME OF EACH CANDIDATE WHOSE ELECTION OR DEFEAT WAS ADVOCATED BY  
21 THE EXPENDITURE AND FOR EACH SUCH CANDIDATE, THE OFFICE SOUGHT BY THE CANDIDATE  
22 AND THE YEAR OF THE ELECTION.

23       5. THE NAMES, OCCUPATIONS, EMPLOYERS AND AMOUNT CONTRIBUTED BY EACH OF  
24 THE THREE LARGEST CONTRIBUTORS THAT CONTRIBUTED MONEY WITHIN THE PRECEDING SIX  
25 MONTHS FOR INDEPENDENT EXPENDITURES. IF ANY OF THE THREE LARGEST CONTRIBUTORS  
26 IS A POLITICAL COMMITTEE, THE REPORT SHALL INCLUDE THE NAMES, OCCUPATIONS AND  
27 EMPLOYERS OF THE OFFICERS OF THE COMMITTEE.

28       6. UNDER PENALTY OF PERJURY, A CERTIFICATION STATING WHETHER OR NOT THE  
29 CLAIMED INDEPENDENT EXPENDITURE IS MADE IN COOPERATION, CONSULTATION OR CONCERT  
30 WITH OR AT THE REQUEST OR SUGGESTION OF, ANY CANDIDATE OR ANY CAMPAIGN COMMITTEE  
31 OR AGENT OF SUCH CANDIDATE.

32       7. A COPY OF ANY LITERATURE OR ADVERTISEMENT OR OTHER COMMUNICATION,  
33 INCLUDING AN ADVERTISEMENT IN ELECTRONIC OR PRINT MEDIA, PURCHASED WITH THE  
34 INDEPENDENT EXPENDITURE.

35       C. AN EXPENDITURE BY A POLITICAL COMMITTEE OR A PERSON NOT MEETING THE  
36 DEFINITION OF AN INDEPENDENT EXPENDITURE IS AN IN-KIND CONTRIBUTION TO THE  
37 CANDIDATE AND A CORRESPONDING EXPENDITURE BY THE CANDIDATE UNLESS OTHERWISE  
38 EXEMPTED.

1       Sec. 29. Repeal

2       Section 16-918, Arizona Revised Statutes, is repealed.

3       Sec. 30. Section 16-919, Arizona Revised Statutes, is amended to read:

4       16-919. Prohibition of contributions by corporations or  
5       labor organizations; classifications; definitions

6       A. It is unlawful for a corporation organized or doing business in the  
7       state to make any contribution of money or anything of value for the purpose of  
8       influencing an election.

9       B. It is unlawful for a labor organization organized or doing business  
10      in the state to make any contribution of money or anything of value for the  
11      purpose of influencing an election.

12      C. A corporation or labor organization which violates this section is  
13      guilty of a class 2 misdemeanor.

14      D. The person through whom the violation is effected is guilty is guilty  
15      of a class 6 felony.

16      E. For the purpose of this section, "labor organization" means any  
17      organization of any kind or any agency or employee representation committee or  
18      plan in which employees participate and which exists for the purpose in whole  
19      or in part of dealing with employers concerning grievances, labor disputes,  
20      wages, rates of pay, hours of employment or conditions of work.

21      F. For the purpose of this section, "employer" includes any person acting  
22      as an agent of an employer, directly or indirectly.

23      G. For the purpose of this section, "employee" shall include any employee,  
24      shall not be limited to the employees of a particular employer, and shall include  
25      any individual whose work has ceased as a consequence of, or in connection with,  
26      any current labor dispute or because of any unfair labor practice.

27      H. For purposes of this section, "election" means any election to any  
28      political office, any election to any political convention or caucus, or any  
29      primary election held for the purpose of selecting any candidate, political  
30      committee or other person for any political office, convention or caucus.

31      I. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A POLITICAL COMMITTEE  
32      WHICH INCORPORATES FOR LIABILITY PURPOSES ONLY. NOTWITHSTANDING THE CORPORATE  
33      STATUS OF A POLITICAL COMMITTEE, THE CHAIRMAN AND TREASURER OF AN INCORPORATED  
34      POLITICAL COMMITTEE REMAIN PERSONALLY RESPONSIBLE FOR CARRYING OUT THEIR  
35      RESPECTIVE DUTIES UNDER THIS ARTICLE.

1           Sec. 31. Section 16-921, Arizona Revised Statutes, is amended to read:

2           16-921. Unlawful contributions by corporations and labor  
3                 organizations from a fund; procedures

4           A. It is unlawful under any fund established by a corporation or labor  
5 organization pursuant to section 16-920, subsection A, paragraph 3:

6           1. For such a fund to make a contribution or expenditure by utilizing  
7 money or anything of value secured by physical force, job discrimination,  
8 financial reprisals or the threat of force, job discrimination or financial  
9 reprisal or by dues, fees or other monies required as a condition of membership  
10 in a labor organization or as a condition of employment or by monies obtained  
11 in any commercial transaction.

12          2. For any person soliciting an employee for a contribution to such a fund  
13 to fail to inform such employee of the political purpose of such fund at the time  
14 of such solicitation.

15          3. For any person soliciting an employee for a contribution to such a fund  
16 to fail to inform such employee, at the time of such solicitation, of his right  
17 to refuse to so contribute without any reprisal.

18          B. Except as provided in subsection C and D of this section it is unlawful  
19 for a corporation, or a separate segregated fund established by a corporation,  
20 to solicit contributions to such a fund from any person other than its  
21 stockholders and their families and its executive or administrative personnel  
22 and their families and for a labor organization, or a separate segregated fund  
23 established by a labor organization, to solicit contributions to such a fund from  
24 any person other than its members and their families.

25          C. A corporation or a separate segregated fund established by such  
26 corporation may make no more than two written solicitations for contributions  
27 during the calendar year from any employee who is not a stockholder or executive  
28 or administrative personnel of such corporation or the families of such persons.  
29 A solicitation under this subsection may be made only be mail addressed to  
30 employees who are not stockholders or executive or administrative personnel at  
31 their residence. ~~and shall be so designed that the corporation or separate~~  
32 ~~segregated fund conducting such solicitation cannot determine who makes a~~  
33 ~~contribution of twenty five dollars or less as a result of such solicitation and~~  
34 ~~who does not make such a contribution.~~

35          D. A labor organization or a separate segregated fund established by such  
36 labor organization may make no more than two written solicitations for  
37 contributions during the calendar year from any stockholder, executive or  
38 administrative personnel or employee of a corporation who is not a union member,  
39 or the families of such persons, if such labor organization represents members  
40 working for such corporation. A solicitation under this subsection may be made  
41 only be mail addressed to such stockholders, executive or administrative  
42 personnel or employees who are not union members at their residences. ~~and shall~~  
43 ~~be so designed that the labor organization or separate segregated fund conducting~~  
44 ~~such solicitation cannot determine who makes a contribution of twenty five~~

1 ~~dollars or less as a result of such solicitation and who does not make such a~~  
2 ~~contribution.~~

3 E. This section shall not prevent a membership organization, cooperative  
4 or corporation without capital stock, or a separate segregated fund established  
5 by a membership organization, cooperative or corporation without capital stock,  
6 from soliciting contributions to such a fund from members of such organization,  
7 cooperative or corporation without capital stock.

8 F. This section shall not prevent a trade association, or a separate  
9 segregated fund established by a trade association, from soliciting contributions  
10 from the stockholders and executive or administrative personnel of the member  
11 corporations of such trade association and the families of such stockholders or  
12 personnel.

13 G. Notwithstanding any provision of law to the contrary, any method of  
14 soliciting voluntary contributions or of facilitating the making of voluntary  
15 contributions to a separate segregated fund established by a corporation,  
16 permitted by law to corporations with regard to stockholders and executive or  
17 administrative personnel, shall also be permitted to labor organizations with  
18 regard to their members.

19 H. Any corporation, including its subsidiaries, branches, divisions and  
20 affiliates, that utilizes a method of soliciting voluntary contributions or  
21 facilitating the making of voluntary contributions shall make available such  
22 method, on written request and at a cost sufficient only to reimburse the  
23 corporation for the expense incurred thereby, to a labor organization  
24 representing any member working for such corporation, its subsidiaries, branches,  
25 divisions and affiliates.

26 I. For purposes of this section, the term "executive or administrative  
27 personnel" means individuals employed by a corporation who are paid on a salary,  
28 rather than hourly, basis and who have policy making, managerial, professional  
29 or supervisory responsibilities.

30 Sec. 32. Repeal

31 Section 16-924, Arizona Revised Statutes, is repealed.